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ABSTRACT

Ways to motivate and manage teachers and staff are presented in this guidebook. Chapter 1 describes ways to staff a school and get it right the first time. Checklists for recruiting, screening, and hiring are included. Chapter 2 offers suggestions for operating successful teacher induction, professional development,and motivation programs to combat teacher burnout and mediocrity. The four stages of teacher development are described in the third chapter: preconference, observation, postconference, and the professional development plan. Checklists and examples of personal professional development plans are included. Chapter 4 explains a four-phase process for managing the marginal teacher, handling grievances, and gathering and filing documentation. Strategies for assisting the marginal teacher are described in the fifth chapter, which offers information on specific classroom problems and teacher behaviors. Legal problems in employer-employee relations, some of which involve tenure, due process rights, and personnel dismissal, are examined in chapter 6. The final chapter offers advice for evaluating support personnel. Eleven figures are included. References accompany the chapters. (LMI)

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Larry E. Frase

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Motivating
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MAXIMIZING PEOPLE POWER IN SCHOOLS

Motivating and Managing Teachers and Staff

Larry E. Frase

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Foreword

The most common and complex problems in schools always concern people: students, parents, teachers, citizens, custodians, secretaries, nurses, aides, clerks, and other administrators on site and in the central office.

People are not inert objects but are active and interactional in nature. They are growing and dynamic, even if they are becoming cynical and negative, because growth can be positive or negative.

School administrators are supposed to know what to do about people. Who hasn't been concerned with *morale*? If army generals worry about the morale of the troops and insist on eating the food fed to their soldiers to know how long the army can remain viable, school administrators are no less responsible for the morale of their teachers and support staff in the buildings. And superintendents have to worry about the same conditions in their central and subsidiary offices and extensions.

School practitioners will find this volume about people by Professor Larry E. Frase of San Diego State University a practical and straightforward guide to tackling the most pervasive and serious problems in education today: identifying superior teachers and support personnel, introducing them to the job the right way, motivating them to levels of superior performance, assessing that performance, and keeping it consistently at a very high level.

Larry Frase has been a public school teacher and superintendent. He won national recognition for his work in developing innovative methods of staff development and compensation for teachers while serving as the chief executive officer of the Catalina Foothills School District in Tucson, Arizona, in the 1970s and 1980s. He developed a strategy for getting school administrators out of their offices and into school classrooms, which became a book, *School Management by Wandering Around.* This book and his most current book, *Teacher Compensation and Motivation,* have enjoyed wide circulation and placed him in demand as a speaker in the United States and Canada. He has done extensive work with Canadian administrators at San Diego State in the summers.

Readers will find Larry Frase's book *Maximizing People Power in Schools* initially focused on teachers, because, without a first-class instruction cadre, very little else matters in school. Yet the advice and examples developed by Professor Frase are also applicable to all other persons at work in schools and school systems.

Readers will also find in these pages the unmistakable "ring" of truth from somebody who has done what he is writing about. Frase is no armchair theorist expounding about principles he has never applied. Frase knows what works because he has tried his methods in real schools with real people. He not only "talks the talk," but he has "walked the walk."

So, when the reader opens this volume, he or she should be prepared for a no-nonsense treatment of the most important resource any school or school systems has: its *human capital.*

FENWICK W. ENGLISH
University of Kentucky

Preface

School administrators have been barraged by demands to improve their schools—to hire better teachers, retain the good ones, get rid of the bad ones, and, in general, upgrade the effectiveness of the entire school. While everyone wants good teaching, school administrators have lacked the necessary tools to allow them to overcome many serious personnel problems. Schools are "people" institutions, and their success lies with the people who work in them. It is the administrator's job to nourish the power and competency of these people to help young people learn. Answers to critical personnel questions such as the following are presented:

- How do I identify top-quality teachers?
- How do I recruit and hire them?
- How do I build and implement a sound induction process for new staff?
- How do I determine and provide high-quality on-the-job training?
- How do I arrest burnout?
- What do I look for when observing and evaluating teachers?

- How do I motivate teachers to better performance in classrooms?
- How do I recognize and manage marginal teachers?
- How do I design improvement plans for marginal teachers?
- How do I do so within the requirements of the law?

This book provides answers—the "how-to's" and "what-to's"—to these questions. It is designed as an easy-to-use, informative, problem-solving manual for the administrator who is in the trenches dealing with day-to-day problems.

There is no dearth of literature on school reform and working with personnel. Unfortunately, this material is disorganized and theoretical and lacks solid field-tested evidence of success. All ideas presented in this book have roots of success in practice and research and *are* firmly based on highly regarded theory.

The content of this book covers the full range of personnel management for assistant principals, principals, directors, and assistant superintendents. The scope is described below.

Staffing the School Right the First Time

The first step in ensuring that only the best and brightest teachers are in our classrooms is recruiting, screening, and hiring. New ideas—casting a wide net in recruiting, focusing on teaching through videotapes and observation, using probing background checks, setting the tone and the stage for interviews, using critical incident and problem-solving interview questions, avoiding negligent hiring, and selling your school to "land" the best and the brightest—are presented in Chapter 1. Easy-to-use self-help checklists are provided.

Teacher Burnout and Mediocrity

Chapter 2 provides the rationale and steps for creating and operating successful teacher induction, professional development, and motivation programs. This chapter provides detailed strategies for successfully inducting staff into the school by identifying the essential ingredients of induction programs, including how and why to help new staff relocate, how to select and train mentor and buddy teachers, and how to avoid pitfalls.

The practical relationships between teachers' reasons for entering the teaching profession, professional training, success on the job, and motivation are clearly depicted. Checklists are provided for assessing administrators' motivational techniques. Along with an easy-to-use outline for designing teacher motivation programs, 19 ideas for motivating teachers are provided.

Techniques for involving staff and administrators in determining topics for training are provided along with research and experience-based, step-by-step key ingredients for developing professional development programs (PDPs).

Evaluating and Supervising Teachers

Chapter 3 addresses the most frequently misused and underused aspect of personnel management—evaluation and supervision. The information and forms administrators need to maximize their skills in teacher evaluation and supervision and optimize the benefit to teachers are offered. Teacher evaluation is described as a four-stage process with numerous sophisticated yet easy-to-understand subcomponents:

- preconference,
- observation,
- postconference, and
- professional development plan.

Checklists for assessing attitudes and skills and reminders about key points in teacher observations are provided to assist readers in upgrading their evaluation and supervision programs. Examples of personal professional development plans (PPDPs) and forms for collecting data are provided.

The importance of honest and objective feedback and ways to provide it are stated in "down-to-earth" terms for practitioners.

The chapter ends with a comprehensive list of dos and don'ts for teacher evaluation.

Managing the Marginal Teacher

Once the realization hits that a teacher is incompetent or marginal, the question becomes: Now what do I do? Chapter 4 offers a comprehensive and straightforward answer: a four-phase process for managing the marginal teacher:

- initial diagnosis,
- the first formal plan for improvement,
- official corrective action plan, and
- the termination process.

Successful management of a marginal teacher requires attention to detail, fortitude, knowledge of much information, and skills. Sample forms and information regarding the following skills, in addition to many others, are provided:

- clarification of the types of incompetency,
- basic writing skills for developing documentation,
- skill for building files, and
- basic writing skills for writing disciplinary memoranda.

Strategies for Assisting the Marginal Teacher

Chapter 5, written with Dean and Alyson Caouette, provides easy-to-use techniques administrators and teachers can use in remediating instructional and classroom management deficiencies. Improvement strategies and observation techniques are provided in charts and graphs, and they are keyed to specific classroom problems and teacher behaviors.

Videotape techniques, feedback charts, off-task interaction charts, teacher activity charts, teacher-student verbal interaction charts, and teacher scanning and movement mapping techniques are some of the techniques illustrated for use in improving teacher effectiveness.

Staying Legal and Out of Trouble

Managing the marginal teacher and dismissing an incompetent teacher are touchy challenges that require in-depth knowledge of the teacher contract, district policy, and due process rights. Strict compliance with these is imperative. Substantive and procedural due process rights are illustrated and discussed. Guidelines for each due process right are provided along with self-test checklists designed to keep the school administrator on target and in compliance with all requirements. Chapter 6 is written as a guide to the school administrator to ensure that teachers and other employees are treated fairly and legally.

Maximizing the Potential of Support Personnel

Support personnel are divided into two categories: classified and certificated. Both categories have been neglected. Reasons for this neglect and the practical consequences are presented in Chapter 7. Ideas for evaluating support personnel are presented. The philosophy and specific skills and procedures regarding evaluation and professional development presented in Chapter 3 are also applicable to support staff.

Finally, the Troubleshooting Guide provides an index of important questions and topics that confront administrators. The guide identifies the pages in the book where the answers and skills are found.

LARRY E. FRASE
San Diego State University

NOTES

About the Author

Larry E. Frase is Professor of Organizational Psychology at San Diego State University. He has 16 years' experience in school administration, including 6 years as assistant superintendent and 8 as superintendent. He completed his master's degree and his doctorate at Arizona State University. He has published 50 articles in professional journals. *School Management by Wandering Around* (1990) is being used in graduate courses and by practicing school administrators. His latest book is *Motivating and Compensating Teachers* (1992). He has served as a speaker and/or consultant for more than 75 state and national conferences, school districts, and universities. He has received numerous honors and awards at professional conferences. He was selected as one of the Top One Hundred School Administrators in the United States in 1985 by the National School Board Association and the American Association of School Administrators.

NOTES

1

Staffing the School Right the First Time

1.1 Identifying the "Hiring" Challenge

Complaints about the quality of public school teachers (and principals) are loud and frequent. Parents complain, school board members complain, industrial leaders complain, and, yes, even teachers and principals complain. While schmoosing with other principals, principals complain:

> "Who hired this person anyway?!"
> "That second-year teacher just isn't working out the way I thought he would."
> "The transferee I received from the west side of the district is really bad."

"The universities just are not doing the job; some of these new teachers lack basic teaching skills."

Hiring good teachers is important. In fact, it may be the school principal's most important task. Certainly few would argue that it is not the administrator's responsibility to ensure that only competent teachers are in contact with students. The hiring stage is the principal's first chance to staff the school with top-notch teachers.

1.2 Building a Top-Notch Teacher Recruitment Program

Teacher selection is no longer in the realm of the mystical. We have learned much from research and practice. The following 11 basic rules are based on practice and sound research and will greatly increase the likelihood of hiring the teachers you want for your school:

1. Cast a wide net—increase the depth and quality of your applicant pool.
2. Focus selection criteria on teaching.
3. Prepare well for interviews.
4. Use critical incidents and problem-solving questions in interviews.
5. Avoid questions with yes/no answers and do not cue the interviewee to the desired answer.
6. See the candidate teach before hiring.
7. Make recruiting a main function of all professional travel.
8. Consider many criteria when making hiring decisions, including candidates' academic ability.
9. Develop brochures and videos to sell your school and community.
10. Use probing techniques when doing background checks.
11. Establish symbolic leadership: a *we want winners only* philosophy.

The first step, of course, is to determine the number of teachers needed for the upcoming year. Once the number of positions is determined, the next step is to organize a recruitment program to build a deep and high-quality applicant pool.

A. *Cast a Wide Net*

> I see a Ms. Jones applied in response to the local newspaper ad for our third grade opening. Did you check her out thoroughly? Does she have a teaching certificate? Does her philosophy of education match mine? Does she agree with my ideas about teaching? Are her recommendations OK? Yes? Great, she's hired.

Sound facetious? It may. But reviews of typical hiring practices show that this little scenario is more typical than atypical of teacher recruitment and hiring practices in America. It is not good enough, and we can do much better.

Hiring practices are frequently limited to review of applications submitted in response to newspaper ads and candidates who "just happen" to apply. "Casting a wide net" for candidates increases the quality and quantity of applicants, thereby increasing the odds that a highly competent candidate will be found and hired.

The following steps can help superintendents and principals develop a large pool of potential teachers:

Search beyond your local university for good candidates. Familiarize yourself with university training programs across the nation and select those deemed to be the best. Only a small percentage of trainees from any university can be truly "good," so the goal is to hire from *many* universities.

Make recruiting an important function of all professional travel. When you or others on your staff travel to conferences, conventions, and other meetings, visit selected universities in the area. Mail brochures and videos early (see the "Sell Your

School" section below) and set up appointments for interviews. Maybe you'll catch that once-in-a-lifetime candidate.

B. *Focus Selection Criteria on Teaching*

Establish teaching effectiveness as the primary criterion for teacher selection by saying so in a board-adopted policy or philosophy statement. Teachers are often hired for reasons other than ability to teach. Secondary school teachers are too frequently selected because of their ability to coach or their willingness to tackle an extracurricular activity such as the yearbook. Coaching and extracurricular activities are important, but they are secondary to teaching. If hiring the best teachers is the top priority, *teaching* must be the focus.

The most reliable means of assessing a candidate's teaching ability is to *observe him or her teach.* Interviews, recommendations, statements of teaching philosophy, and other traditional techniques are far removed from the teacher's actual teaching ability. Observing actual teaching is the best way to assess teaching ability.

There are many ways of observing teaching. One is to invite candidates to your district and place them in a classroom to teach. If unable to come to the district, ask them to send a videotape of a lesson. If you or one of your staff is in their area on business, perhaps observing them in their classrooms can be arranged. No matter what technique is employed, the lesson should be evaluated on the basis of your teacher evaluation instrument. This evaluation becomes an important addition to the candidate's data file.

The second step is to question candidates about the instructional decisions they made before and during the lesson. Probing with questions such as the following for the advantages and disadvantages of alternative instructional techniques will help you determine those with rich instructional backgrounds:

- "What information did you use in making the decision to move from guided practice to independent practice?" or

- "How many students did you call on during the social studies lesson? What percentage of these volunteered? What about those who did not volunteer?"

C. *Prepare for the Interview*

Setting the tone for the interview is crucial. It is crucial to you because the "crackerjack" teacher you are about to face may be being "wooed" by other principals. So you want to be at your very best, and proper planning is the key.

Setting the tone. Candidates will remember their first impressions of you and your school, of your office, of the staff they meet. So make the impressions good. Here are a few tips for doing just that:

- Train the secretary to greet the candidate properly (e.g., "Good morning, Mr. Mack. We were looking forward to your visit. May I offer you coffee or a soft drink?").
- Arrange a comfortable, private spot for the interview.
- Inform all staff members of the interviewees' times and dates of arrival and how to greet them as respected and welcomed guests.
- Check your image. Are you dressed for the occasion? Your dress will tell the candidate how serious you are about the interview and your self-image. Would the candidate want to work for you?
- Greet candidates by looking them in the eye and telling them you are pleased they are there and that you are looking forward to learning more about them.

Setting the stage. Preparation for the interview is just as important as the interview. Have you ever been interviewed by a person who quite obviously had forgotten your appointment? Seemed unsure what to ask? Seemed unsure what was wanted in the candidate or simply rambled aimlessly? Too many of us have. Setting the stage for the interview is the first step. Here are tips on crucial preparations before the candidate arrives at your school:

- Have a clear picture of what you desire in the teacher to be hired.
- What special talents are needed? Build your interview format.
- How will you determine the candidate's ability?
- How will you determine whether the candidate is willing to do the job as defined by your school?
- What questions will you use?

D. *Use Critical Incident and Problem-Solving Questions in Interviews*

The personnel interview is the most frequently used screening/selection technique. Sadly, it is also the least effective and most frequently abused technique. But it doesn't have to be.

It is too often used by the interviewer as an opportunity to talk about her or his accomplishments and philosophy. That's not the purpose of the interview, and such comments by the interviewer should be kept to a minimum. The basic art of conversation applies here—allowing the other person to talk. We call this the 80/20 rule, and you should use it. That is, 80% of the interview should be devoted to the interviewee answering questions and the principal listening. That leaves 20% of the time for asking questions, reflecting with the candidate, and answering the candidate's questions. Avoid using the interview as a platform for espousing your accomplishments and beliefs. The majority of time should be spent finding out what the candidate thinks and knows.

The effectiveness of the interview can be greatly increased with the use of problem-solving questions that emphasize teaching and the core values of the school. These questions are great for assessing decision-making, leadership, and social skills. Questions that call for yes/no answers or those that "cue" the interviewee to the correct answer should be avoided. For example, everyone knows the desired response to a question such as this one: "Do you use corporal punishment in your classroom?" The alternative is to outline a scenario about a classroom discipline problem and ask the candidate to tell you how he or she would handle it and why. Problem-solving questions can be created by determining the skill or value you wish to assess and then structuring a scenario around it. The scenario should give facts only. Be careful not to hint at the desired solution.

Not all answers will give you the information you want. The first answer may not be impressive, but you owe it to yourself, your school, and the candidate to see whether another, better answer is available. After all, some candidates will be nervous, quiet, or simply confused about the question. If the candidate seems nervous, ask another icebreaker question about his or her home town, university, hobbies, or interests. These topics have a lubricating value and tend to put the candidate at ease. Be careful not to spend more that 10% of the interview time with this, however. The interview is short, and there is much you need to know before hiring the candidate.

If you need more information about an answer, ask another question that probes for clarity and depth. The following may elicit the information you're looking for and satisfy your curiosity:

- "Please give me another example."
- "How else would you apply that technique?"
- "Under what conditions would you not use that technique?"

The opposite of the introverted, quiet candidate is the endless talker. The fact that these candidates are talkative and do a lot of "bird walking" doesn't mean they are bad candidates. So, gently take control. Remember, you must direct the flow of the interview. If you asked, "When would you use an inquiry method?" and the candidate begins citing chapter and verse about Socratic methodology, simply put the interview back on track by saying: "Yes, I'm sorry, I meant when in your fourth grade classroom would you use the inquiry method? Thank you. Please be specific."

The effectiveness of interviews can be increased by including teachers in the interview process. Teachers should be informed of the hiring policy (wanting only highly qualified teachers), trained in interviewing techniques, and included in establishing criteria for selection. Allowing teachers to become part of the hiring process yields involvement, which in turn yields ownership and pride. Teachers will frequently volunteer to invite the candidate to a social event with other teachers or to a community event. Such involvement has been shown to develop pride and enthusiasm for getting the "best and the brightest." The following list provides key points for interviewing.

- Ask open-ended (situational or problem-solving) questions.
- Avoid closed (yes/no) questions.
- Devote 80% of the interview to the interviewee's answers.
- Probe the interviewee's answer for greater depth.
- Do not cue the interviewee to the desired response.
- Keep the interview on track.

E. *Use Numerous Selection Criteria*

Use of multiple selection criteria and techniques is the best way to assure that only competent teachers will be hired. No one criterion or technique has been shown to be even marginally adequate when used as the sole selection criterion. Personnel files, recommendations, past evaluations, scholastic records, portfolios, teaching samples, and interviews offer rich data for predicting teachers' performance in the classroom. Use of all of them is recommended.

Academic ability has traditionally not been a major consideration in the hiring process. The good news is that numerous studies during the past four years show that high academic performance and a liberal arts education are correlated with teaching success and student learning (Tamir, 1988). The bad news is that studies also show that, when all other factors are equal, teachers with lower academic abilities are chosen (Brown & Rankin, 1986). Therefore careful attention should be given to the quality of the candidates' academic education and performance.

Caution must be taken, however, in using a minimum score requirement on standardized tests (e.g., National Teachers Examination [NTE]) as a prerequisite for employment. Courts have frequently referred to the history of adverse racial impact associated with such tests and the test makers' disclaimers regarding use of the tests for personnel hiring and compensation decisions (Becklund, 1985).

F. Sell Your School System and Its Schools

As the debate regarding the existence of a teacher shortage and the extent of teacher attrition continues, competition for teaching talent is also increasing. Except in the more troubled urban and remote rural areas, hiring teachers is not a problem. Hiring good, competent teachers is. Just as industry has to compete for the best graduates, school districts and principals must compete for good teachers. The following are some selling tips.

Prepare and distribute brochures and videotapes of your school showing what it and the community have to offer: induction programs, staff development programs, reward systems, good class sizes, buddy teacher programs, good salary and benefits, community cooperation, fine arts opportunities, recreational activities (skiing, boating, and so on), community spirit, community respect for teachers, and opportunities to attend graduate school. Brainstorm! The list can be seemingly endless. Your task is to highlight the positive points about your school and community.

Many recruiters have found that videotapes strengthen recruiting efforts. Districts with appropriate personnel and audiovisual production equipment can make a video in-house. For others, a video complete with professional narration, music, and graphics can be made for as little as $4,000. The cost-benefit ratio is very favorable. The $4,000 is "mere change" for a group of highly qualified new recruits for your school. And the video can be updated as needed.

Possibly the most effective sales pitch is the statement that you want only the *best* and the *brightest* teachers. People with good talent seldom want to play second string; instead, they want to be associated with winners. Tell them your school is a winner. Tell them you hire and keep only the best and the brightest and then give them the evidence. The candidates you want, both experienced and inexperienced, will be attracted to your district. The good candidates want to play on a winning team *and* they want to play on the first team.

The brochures, videotape, and on-site visits will not only help sell the candidate on your school, they will also help you and the candidate determine if there is a good match between your location/school and the candidate's personal and professional interests.

G. *Avoid Negligent Hiring*

Thorough reviews of applicants' backgrounds and teaching abilities also will help keep you out of court. Parents are becoming active in suing districts for hiring teachers who are technically incompetent, who have been convicted of moral misconduct, and so on. It's called "negligent hiring" (see DeMitchell, 1990).

Principals have dealt with or are aware of lawsuits from applicants who applied for a job but didn't get it. These complainants generally base their cases on discrimination, and personnel departments and principals have become quite adept in following the rules to avoid such cases. Negligent hiring is a new strain of lawsuit. It doesn't come from the thwarted applicant; instead, it comes from a community resident who claims that the school was negligent in its hiring practice by hiring that person. Such claims are based on sundry justifications:

- A teacher convicted of sodomy was hired 12 years later by an Oklahoma district and proceeded to sexually molest three boys. This district did conduct a reference check that revealed no abnormalities. The district lost the case and paid $135,000 as a result.
- A teacher was arrested and convicted for sexual assault of a student a year and a half after being hired. The district was sued for millions of dollars for negligent hiring practices. In this case, the district was not found guilty of negligent hiring.

Negligent hiring does not apply only to deviant moral behaviors. It extends to instructional and subject matter knowledge and competencies. In an Illinois case, a school district was sued for hiring a physical education teacher who the plaintiffs said was not qualified to teach.

To win a case, plaintiffs must show at least one of the following:

- that the individual was employed by the district,
- that the hiree was incompetent or unfit for the job, or
- that the employer knew or should have known of the incompetence or unfitness when the person was hired.

The following will help you avoid such lawsuits and successfully defend yourself should one occur. Require answers to the following questions from applicants for any position (a written explanation should be required for any positive responses):

- Have you ever been convicted of a crime or an offense involving moral turpitude, including sexual molestation or child abuse?
- Have you ever had your teaching credential suspended or revoked?
- Have you ever been terminated, suspended, or asked to resign from a teaching position?
- Are you currently under arrest and out on bail or released under you own recognizance awaiting trial?

We must also be aware that Title VII of the Civil Rights Act may prohibit employers from rejecting an applicant only on the basis of an arrest record.

Reference checks are vital and must be conducted prior to hiring or giving a commitment to hire. The following is a helpful checklist of questions and requirements to be included in the reference check and preemployment investigation:

- Keep written records of who conducted the reference check and keep them in a confidential file because it is a "preemployment" check.
- The following standard questions should be asked of each person being interviewed and written answers should be recorded:
  What is your name and current occupation?
  How long have you been acquainted with the applicant?
  In what capacity did you know the applicant?
  What are the strengths of the individual?

How would you characterize the applicant's relationship with his or her students?
If we hire the applicant, in what area would you suggest that we provide additional training?
Have there been any investigations concerning unprofessional conduct, incompetency, insubordination, or immorality concerning the applicant?
Would you rehire this individual if given the chance? If yes, under what conditions? (Adapted from DeMitchell, 1990.)

If *any* cautions or concerns arise from these questions, check further before offering a contract or verbally committing yourself to employment or even suggesting such.

H. *Start With a Sound Policy and Philosophy*

Last, every school should have a philosophy statement regarding hiring, and every district should have a board-approved policy regarding personnel selection. These statements should include beliefs and philosophy regarding the nature of sound hiring practices and their importance. For example:

- Does the district want only highly competent teachers in contact with students?
- Does the district support thorough recruiting practices?
- Is hiring only the best and the brightest a high priority?

Clear and strong statements of values regarding these questions should be in the district policy manual and should be reflected in the school handbook.

Does your district have a hiring policy? If so, does it contain the ingredients stated above? If not, do you have the nerve and tact to suggest it to your superintendent? You should because, until the district makes the commitment to extend time, money, and energy to hiring the best and the brightest, they won't.

Good hiring practices are only the first step in ensuring that only competent teachers are in contact with students. The probationary period should be viewed as an extension of the hiring process. Good induction programs, buddy teacher systems, training programs, and strict teacher evaluation programs must be put in place. Teachers must be given a fair chance to succeed but, if they do not meet your standard of acceptable performance, they must be released. These practices will be discussed in the following chapters.

Hiring the best and the brightest candidates and ensuring that only competent teachers are in contact with students is the administrator's foremost responsibility.

Key Terms and Concepts

- ☐ *Negligent hiring.* This means hiring a person (teacher, custodian, and so on) who has a history of unprofessional conduct, incompetence, immoral behavior, insubordination, a criminal record, or moral turpitude.
- ☐ *Casting a wide net.* This term refers to increasing the number of candidates in the applicant pool generally by advertising more widely, establishing a network of university contacts familiar with teacher candidates, and recruiting on numerous college campuses.
- ☐ *Focus on teaching.* Make "teaching" the focus of the teacher selection process by observing candidates teaching in their own classrooms, in your school, or on videotape. This also refers to questioning candidates about instructional procedures and alternatives and related advantages and disadvantages.
- ☐ *Set the interview tone.* Prepare your school and all personnel in it to greet candidates appropriately and make them feel welcome and comfortable. Also, check your own image.
- ☐ *Set the stage.* Determine your school's needs, what you want in a teacher, how you will assess ability, and how you will assess willingness, and then establish the interview procedure and participants (i.e., teachers, principal, parents, students).
- ☐ *Use the 80/20 rule.* This includes focusing on the teacher's knowledge and teaching ability, using problem-solving and situational questions, probing for depth of understanding, controlling the interview, avoiding questions with yes/no answers, and avoiding cuing the interviewee for the desired response.
- ☐ *Sell your school system and its schools.* Use videotape, brochures, parents, teachers, and students to share the superior qualities of your school (training programs, reward and motivation programs, class size, classroom volunteers, and the like).

☐ *Use multiple criteria.* Incorporate references, past evaluations, teaching records, your observations of the candidate's teaching and scholastic records, among others, as criteria for selection.

☐ *Use critical incident or problem-solving questions.* Establish a scenario or situation on which the candidate is asked to offer a solution or reaction to a problem; that is, a question that cannot be answered satisfactorily with a yes or no answer.

☐ *Be sure you have a sound hiring policy and philosophy.* These should state clearly that the school board, administrators, and teachers want only the best and the brightest teachers in the schools' classrooms.

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2

Teacher Burnout and Mediocrity: The Antidote Is Professional Development and Motivation

Maximizing people power begins with hiring the best and the brightest teachers available. It is also the first step in ensuring that all members of your staff are highly competent. But it's only the first of many steps. Two very important additional steps are presented in this chapter:

1. Induction programs are needed to help new teachers adjust to teaching and its many challenges.
2. Professional development programs are needed to foster the "improvement ethic" and prevent "burnout" from occurring.

2.1 Induction Programs

New teachers are all too often thrown into classrooms where they work in isolation, without proper support, without feedback on their performance, and without suggestions for improvement. As a result, many beginning teachers are not up to the challenges that they frequently face:

- classroom management and discipline,
- student motivation,
- adjustment to the physical demands of teaching,
- managing instructional tasks (organizing work, individualizing assessment and assignments, teaching, locating materials and resources), and
- sacrificing leisure time.

In addition, research shows that new teachers are assigned larger groups of students with more discipline problems and more job duties than are returning teachers. Supervision in these cases is very infrequent. These practices are an effective formula for *failure*. Without proper support and aid, the new teachers' problems grow increasingly worse, and many good teachers exit the profession within their first three years.

The following suggestions for inclusion in induction programs can stem the tide of new teachers leaving the profession.

The first job in designing induction programs is determining what is needed and then determining whether or not it can be done. Some school districts (e.g., Poway School District, in California, and Toledo Schools, in Ohio) have induction programs in operation. If your district has one in operation, you are fortunate. If not, you are still fortunate because you can build and implement one that will remove many obstacles now faced by beginning teachers. Key ideas for building an induction program for your school are provided below.

A. *Relocation and Acclimation Assistance*

For many new teachers, their first teaching assignment is also their first time of living alone, without having family or close friends near by. The following are services the principal can provide that will make the transition easier and more gratifying for the new teacher.

Assist with locating housing. During the recruiting phase (see Chapter 1), introduce the recruit to teachers on staff who can give pointers about housing. For example, introduce single recruits to single teachers who may live in apartments or introduce married recruits to married teachers and real estate agents.

Share information about the community. Share information about what the community has to offer (arts, recreation, transportation, social events, customs) with all recruits. The local chamber of commerce can be of help here.

Introduce the recruit to other teachers. Being without friends is no fun. Take time to introduce the new teacher to other people on the staff who may have similar interests who will gladly introduce him or her to the school and community.

Providing these services is not normally within the job of a principal or anyone else in the profession. But give it a try. These activities are not hard to do and they offer wonderful results. Remember, the new teacher is first a person with social needs, then a teacher. Give these easy bits of assistance to help ensure their success as a teacher. After all, if they fail, you and the students in your school lose.

B. *Mentor and Buddy Teachers*

Beginning teachers often are isolated from others and feel stranded or in awe of their new classroom, which is "all theirs." A buddy teacher is just that, a buddy who can break the isolation and will show the new teacher the ropes, for example, where materials are located, how to requisition additional items, and how to cope with the class on the first day. They can show new teachers how to reflect on a day's experience and redirect efforts for the next day and how the social structure in the "teachers' lounge" operates, as well as share sources of entertainment and recreation, and answer other questions the new teacher may have or direct them to needed resources. The buddy teacher helps socially and with routines within the district and school. In contrast, the mentor teacher focuses on instruction.

A mentor teacher is a teacher who has exemplary instructional, planning, or management skills and the ability and temperament to help the new or experienced teacher gain these skills. Selecting a mentor teacher is more complex than we once thought. Experience has taught us that good mentors are not drill sergeants, always ready with *the* right answer. With that enlightenment, past practice has been to select the best classroom teacher or the teacher with the best ingratiation skills. So, in addition to being familiar with the curriculum, being good teachers, and having good social skills, mentors must have certain understandings and attitudes. Most if not all teachers will require some training or tutoring to ensure that they possess all of the these. See the following checklist.

Does the teacher

- ☐ possess razor sharp skills in the areas where the new teacher is deficient?
- ☐ understand that the role is to facilitate the new teacher in feeling comfortable in the new school by being available with assistance that will help the new teacher in getting through the "rough waters" (e.g., classroom management, discipline techniques, curriculum organization)?
- ☐ view the mentor role as an opportunity to learn?
- ☐ reflect the professional attitudes and values the principal and staff desire?
- ☐ understand that the mentor's role is one of peer assistance and does not reflect a supervisory relationship?

Is the teacher

- ☐ patient?
- ☐ capable of helping the new teacher reflect on the experiences of the day, particularly classroom events?
- ☐ capable of assisting the new teacher in problem solving?
- ☐ amenable to being observed by and observing the new teacher?

This is a substantial list. Use these questions as you select mentors and develop training programs to induct them into the role. Managerial necessities for administering the induction program are provided below:

Match new teachers with mentor and buddy teachers on the basis of subject/grade taught and physical proximity of classrooms to facilitate communication.

Train the mentor/buddy teachers in the roles they are to perform according to the preceding lists. Don't assume they know it all or are automatically capable of filling the role. Assess their readiness and provide training as required.

Plan special seminars and training throughout the year for new teachers. Be sure the training is practical and addresses a need or challenge they are about to encounter or have recently encountered. Forget theory presentations until the new teachers are comfortable with the basics, such as classroom management, discipline techniques, and managing the curriculum. Too much information or information irrelevant to their current needs will likely not be used and will soon be forgotten.

Monitor the progress of new teachers and buddy/mentor teachers. Establishing mentor and buddy teacher teams does not relieve the principal of responsibility for the new teachers. Meet regularly with the mentor or buddy teacher and new teacher as a team or as individuals to share experiences and identify potential problems and to recognize their successes.

Treat the new teacher fairly—be an advocate. It is not uncommon for new teachers to be assigned more preps, more discipline problems, more duties, and more of the less desirable courses than senior teachers. This frequently comes about due to the muscle of a group of senior teachers or the teachers' contract. First, don't let teachers muscle you into making poor decisions. Second, work within the confines of the teachers' contract while being clever in providing the new staff with a reasonable work load and schedule. New teachers are vulnerable. Do your best to help them get off to a good start. This may fly in the face of one or more senior staff members, but it is the right thing to do. Help the senior staff realize the rationale for your decisions so that the new teacher is not accused of "having it easy" while the senior staff supposedly suffer under an extra burden. Senior teachers have had time to acquire effective skills in dealing with problems and should be better equipped to handle them.

2.2 Identifying Motives for Teaching and Their Relationship to Professional Development

The teacher induction program is crucial in your efforts to retain the teachers you hire, but the effort to retain good teachers and keep them at their peak performance level must be constant. We know that many good teachers leave teaching in their first three years, but even some of those who stay choose to resign later. Even more sad is the fact that, on the average, teachers' performance declines during the second to seventh years of teaching. So we lose some, and the performance of many others declines. Neither of these alternatives is good; neither is what we desire.

So how do you reduce the chances of losing good teachers and prevent teaching performance from declining? Sound impossible to answer? Good news: There are tried and true ways to accomplish both. The key is to know what motivates teachers. There is overwhelming research evidence (Frase, 1989; Lortie, 1976; Mitchell, Ortiz, & Mitchell, 1987) that tells us:

- Teachers enter teaching to *help young people learn.*
- Work-related factors most important to teachers are those that *allow them to practice their artistic craft successfully.*
- Teachers' most *gratifying reward is accomplishing their foremost goal of "helping young people learn."*
- Most teachers who leave teaching are very dissatisfied because *they have not achieved their foremost goal.*

So the answer is quite simple. It lies with teachers' motive for teaching: to help young people learn. Therefore the remainder of this chapter focuses on what you can do to stem the tide of good teachers exiting the profession and prevent teaching performance from declining. The answers lie in setting the stage so that teachers can achieve their primary goal of "helping young people learn."

There are two sets of factors that affect teachers' work performance (Hackman & Oldham, 1980; Herzberg, Mausner, & Snyderman, 1959). Both must be in good health for success to occur. These are not mystical categories; fortune-tellers, palm readers, and other psychics are not needed. Everything you need to determine whether you are doing your best to help teachers achieve their goal is in your school(s), in plain view of everyone. The objects of diagnosis fall into two categories: work context (environment) and work content (teaching).

Work Context Factors

(teaching environment)

school policies
peer relations
work conditions (materials,
  class size, student
  discipline)
supervisory practices
money, status, security

Work Content Factors

(teaching)

professional growth
recognition for good work
challenging and varied work
increased responsibility
achievement (successful work)

A. *Environmental Factors: The Context of Work*

First, note that work context factors concern things that are related but ancillary to the actual work of teaching. They involve school support systems (policies); relations with peers; work conditions such as class size, discipline problems, and teaching materials; quality of the principal's supervision; and basic psychological needs (money, status, and security). All of these must be in good order (meet baseline needs) before we can expect a teacher, or any worker, to be productive. For instance, severely overloading a teacher's class with serious discipline problems prevents the teacher from achieving his or her goal, regardless of how "nice" the principal is or how much money the teacher is paid. Continually being confronted with a severe lack of teaching materials will lead to discouragement and poor performance, regardless of the number of thank you notes the principal sends.

Check the status of work context factors in your school(s) by asking questions such as the following:

- Are school policies fair and designed to make good teaching more easily attained, or do they place roadblocks in front of teachers?
- How do teachers perceive the principal's supervision skills and practices? Does supervision help teachers improve their teaching, or is supervision a formality with little application to teaching?
- Are working conditions conducive to good teaching? Are the rooms comfortable? Are teachers overburdened with discipline or learning problems? Do the teachers have the supplies and materials necessary to run an effective instructional program?
- Do teachers on staff get along? Are collegial relationships present?
- Do the teachers sense that they are held in high regard and status in the community and by the administration? Are salaries and fringe benefits competitive?

Many of these questions can be answered by the administrator. But, to be sure you have the correct answers, ask the teachers. After all, it's their opinion you want. Use well-constructed questionnaires to help with the diagnosis. The Profile of a School (Likert & Likert, 1971) or the Modified Job Diagnostic Survey (Frase & Heck, 1992) can provide valuable information. Compare the score on the surveys to what the administration and the teachers think they should be. The difference between the two becomes the goals in regard to work context factors.

It is very unlikely that all staff members will ever be happy with all context factors. It's only human nature to want more sick days, better medical care, and more money. But the school system is responsible for providing adequate work context factors. Doing so will not motivate teachers to work harder or better but will *prevent them from being dissatisfied.* It is the principal's responsibility to ensure that room conditions are comfortable and that policy concerns are either explained clearly and satisfactorily or, when appropriate, well represented at the central office. It is also his or her responsibility to demonstrate strong competency in instructional supervision, to develop collegiality among teachers, and to ensure that the central office and the community demonstrate respect and appreciation for teachers.

When work context factors are in good order, dissatisfaction is minimized, and the stage is set for motivating teachers to achieve their goal of helping young people learn.

B. *How to Motivate: The Content of Work*

Work content factors are those that have the power to motivate teachers. All are quite intrinsic whereas the context factors are extrinsic. This and the fact that teachers enter the profession to help kids learn give great clues to successful strategies for motivating teachers. The greatest satisfaction comes from doing a good job but satisfaction is not the cause of doing a good job. This may sound like a semantic ruse, but it is very logical. Teachers want to help young people learn. Is it not predictable then that they would derive great satisfaction from seeing young people learn as a result of their teaching efforts? So the *administrator's job is to nourish teachers' ability and drive to accomplish this goal.* Improved performance leads to improved learning, and improved learning results in greater teacher satisfaction.

Unfortunately, many school districts and school administrators have attempted to satisfy teachers first, hoping that satisfaction would lead to good teaching. It hasn't. Both teacher unions and school boards are way off base. They use money and other context factors to "buy" teacher happiness and satisfaction. There is no documentation that these efforts have resulted in long-term satisfaction or improved teaching. Money and other context factors are incredibly important. Everyone likes money and everyone appreciates good work policies. When in adequate supply, these factors prevent dissatisfaction from occurring, but neither one has a long-term motivational effect and neither leads to improved teaching.

Context variables clear the road of debris that block effective teaching. In contrast, content variables motivate teachers to higher levels of performance. Use the following checklist to help you diagnose the status of each work content factor in your school.

- ☐ Are professional development (PD) opportunities provided regularly and frequently?
- ☐ Is content of PD based on need as perceived by both the principal and the teachers?
- ☐ Is recognition for good efforts given when due and in varying forms?
- ☐ Are duties and job descriptions changed when appropriate to "challenge" teachers, or do teachers get in a rut by facing the same responsibilities year after year?
- ☐ Do you foster teachers' sense of achievement?

How did you do? A perfect score of 5 yes answers is the only acceptable score and the only way to ensure that teachers are motivated to maximize their positive effect on students. The following are specific ideas for motivating teachers. Check the ideas in the following list that you practice regularly. It is important to remember that the teaching environment must be in good order before the following can have maximum motivational impact on teachers.

C. *Checklists for Motivating Teachers and Preventing Burnout*

Responsibility and recognition can serve as motivators. A list of examples for each follows. These are practical and low-cost strategies that administrators can use to motivate teachers and prevent burnout. Note that responsibility is a longer-lived and more effective motivator than recognition.

Responsibilities That Motivate

- release time to do curriculum work or training (PD);
- assignment to school or district decision-making groups;
- honorary assignment as presenter/trainer in school or district workshops;
- provision to attend training conferences (paid by district) on topic of interest to teacher;
- paid tuition for university training;
- provision of special instructional materials or capital items the teacher has been wanting but the budget has not allowed;
- leadership position on school/district committees;
- classroom visits by principal, superintendent, and board members;
- pay for summer training;
- visits to other teachers' classrooms and vice versa;
- directing a school curriculum/instruction project;
- service as consultant or mentor to other teachers in system; and
- provision of trained teacher aides/parent volunteers to assist teachers.

Recognition as Motivator

- letters from the principal, superintendent, and board of education;
- recognition announcements in newspapers or other media;
- recognition at school board, community, or staff dinner;
- award of certificate at official event;
- naming hallways, rooms, offices, and so on after staff members; and
- recognition of teachers' efforts for professional improvement.

Note that each of these appeals to teachers' intrinsic needs related directly to their work: teaching. All are designed to further enhance the teacher's instructional ability through advanced training and recognition for good work or to expand professional horizons by enriching their jobs through new, highly desired job roles. The rationale for the use of advanced training and recognition are easily understood. The benefit of "adding" more responsibility may appear muddled, however. The reasoning though is really quite clear. Teachers with a strong desire to achieve and expand their effectiveness, and possibly their sphere of influence, can die on the vine of sameness, with year after year of isolation in the same classroom with the same age level of students. It becomes too comfortable and, without knowing it, it becomes old and boring, energy subsides, and the little hassles become overpowering problems. Hence the term *burnout* and the general decline in performance that begins in the second to the seventh years of teaching.

How can burnout and performance decline be prevented? Easy: It's the school administrator's job to prevent ruts from occurring. Set up a regular schedule of changing teachers' assigned grade level or subject. Stimulate them with exciting and practical professional development experiences to keep their "improvement ethic" alive. Being in their classrooms, helping them diagnose problems, giving them accurate and positive feedback, and showing your concern and appreciation for teaching breaks the isolation. These things show you care. They build a "team" feeling and stimulate teachers to tackle professional challenges. Teachers do not become teachers because they want to do a mediocre job. Far from it: They want to do a great job. The tendency for performance to decline after a few years in the classroom is seldom their fault. Many times, it is the organization's fault. It is the administrator's job to provide the means and avenues for them to use to enhance their teaching ability and thereby accomplish their primary goal: *helping young people learn.* Recognition, new job challenges, and exciting professional training can combat and prevent burnout and declines in performance.

The other major cause of burnout is "too many things to do with too few resources and too little time." Preventing burnout is an intricate act of balancing professional challenges and stimulation: too many cause burnout and too few transform a healthy comfort level to lethargy and boredom. A common pitfall in management is to assign duty after duty to the same person because he or she handled the first few duties well and with enthusiasm. Extra duties are not motivators in and of themselves. Here are three rules for striking the proper balance between excess and insufficient stimulation:

1. The additional duty has to be of interest to the teacher.
2. The teacher must be compensated in some way for the extra work (time, money, recognition, or the like).
3. Limits must be reorganized and respected. Any one person, regardless of how good they are, has a limit for "doing more."

The administrator must protect even the most energetic teacher's family and recreational time. If not, the teacher who continually receives the new duties begins to feel like a mule. The mule has an advantage here, however. Mules will not work beyond their strength and endurance capacity. In this way, they are always ready to tackle the new day. Teachers aren't so lucky. Some accept too many responsibilities, overtax their physical and mental strength, and experience *burnout.* Burnout happens to the best of teachers. Respect their time and energy. Don't deprive them of professional stimulation and don't drown them in it.

How many of the ideas in the above list do you practice on a regular basis? If you didn't pick at least 70% of them, you have room for improvement. Does the list seem like a lot of hogwash and a big time waster? It may be. But, remember that we are in the school business for kids and the most important factor in a student's schooling is the teacher. Further, if the teacher is "down," the education of each student in his or her class(es) will be negatively affected. So, motivating teachers—maximizing their potential—is your key to maximizing student achievement.

D. *Designing Reward/Motivation Programs and Preventing Burnout*

Motivating teachers and avoiding burnout are too important to leave to chance or hit-and-miss implementation strategies.

Effective motivation programs are in use throughout North America. Some of the more notable are operating in the Catalina Foothills School District in Tucson, Arizona; the Fort McMurray Catholic Schools in Fort McMurray, Alberta, Canada; the Lake Forest School District in Lake Forest, Illinois; and the Kyrene School District in Tempe, Arizona (Frase, 1991).

Administrators in any school can use the following Teacher Motivation/Reward Program Organizer to design an effective motivation program. Go for it. Use the program organizer below to design one for your school or district.

Teacher Motivation / Reward Program Organizer

1. State two objectives:
   product objective (should describe the hallmarks of the program and state the completion date), and
   outcome objective (should state the desired effect or effects of the program: better teaching, higher morale, higher satisfaction, and so on).
2. Identify the rewards you will use. Will there be a variety? Will teachers have a choice of rewards?
   Which reward(s)? (See samples in the "Checklists for Motivating Teachers" section above.)
   Will there be a choice? If so, how?
3. How will teachers be selected for rewards? Identify the criteria. Are the criteria important to education? Are they valued by the teachers?
   Which criteria?
4. Who will select the teachers to receive the rewards? Is it one person? A committee? Is the teachers association involved? How can the process be kept streamlined and efficient?
   Who selects?
5. How many teachers can be selected? Is there a quota?
6. How frequently can/should the rewards be given?
7. Will others be involved in designing the program? Teachers? Associations? Parents?
8. How visible should the program be? Should there be much hoopla? Should visibility be subdued and natural?
9. How will the program be evaluated? (Refer to the objective to determine "what" is to be evaluated. What data will

you collect to judge the program against the criteria? How will you determine whether the program is successful.)

10. Will additional resources be needed? Money? Time? Materials?

2.3 Professional Development Programs

As indicated above, professional development can be the cure or the preventive treatment for burnout and declines in performance. Researchers are beginning to amass findings that tell us the key characteristics of professional programs (Sparks & Loucks-Horsley, 1989). The following are tips on how adults learn best and characteristics of effective professional development programs. These are presented in six categories: effective training methods, incentives, goals and objectives, prinicipal's role, physical and psychological setting, and evaluation and follow-up. Use this checklist when you begin planning training programs for your teachers. Incorporate these proven elements whenever possible. Check them off when you are assured they are present.

A. *A Checklist for Designing Professional Training Programs*

Effective Training Methods
- ☐ Group elementary and secondary teachers together.
- ☐ Strike a balance between presentations and hands-on involvement.
- ☐ Use observation, trial, micro teaching, video/audio feedback, and practice as alternatives to traditional lecture, discussion, games, and field trips.
- ☐ Incorporate independent study whenever practicable.
- ☐ Focus training on active roles for teacher (application), not theory.

Incentives
- ☐ Offer incentives for participation (e.g., university credit, pay, enhanced status, released time, and the like).
- ☐ Clearly communicate the benefit of training to teachers and students.

Goals and Objectives

- ☐ Involve participants in setting clear goals and individual objectives and expectations for the training.
- ☐ Ensure that goals and objectives are directly related to classroom practice and teachers' needs.
- ☐ Relate objectives to improved student academic performance and quality of teaching.
- ☐ Differentiate goals to meet the needs of individuals.

Principal's Role

- ☐ Be present to communicate the importance of the training.
- ☐ Lead by doing: Participate in the same manner expected of the teachers.

Physical and Psychological Setting

- ☐ Prepare the physical and psychological environment so that they are pleasing and fitting for the training activities.
- ☐ Provide attractive refreshments.
- ☐ Set high expectations for the quality of training and for teachers' learning.
- ☐ Be sure instructors protect minority opinion and avoid situations that may harm or embarrass teachers.
- ☐ Conduct training in the school setting.

Evaluation and Follow-Up

- ☐ Involve teachers in evaluating the training.
- ☐ Follow up in group sessions and individuals' classrooms.
- ☐ Follow up immediately and frequently, offer support, and focus on application and generalization of skills.

B. *Identifying Topics and Content for Professional Development (PD) Programs*

The content of most PD programs is determined by the latest list of fads from the education bandwagon. These may be fun and "hot," but they frequently miss the mark. First, they violate a basic law of professional development: that training should start with *quantity* of time learning and progress to *quality* of time spent learning, as shown in Figure 2.1.

The rationale is simple:

> Before teachers can effectively use advanced instructional techniques, they must first be able to manage the classroom and maintain discipline.

1	2	3	4	5	6
Time on Task	Behavior Managment/ Discipline	Classroom Management/ Grouping	Instructional Sequence/ Lesson Design	Teacher Expectations/ Differential Treatment of Students	Program Quality: Effects on Students

Quantity of Time Spent Learning ⟶ Quality of Time Spent Learning

Figure 2.1. Sequence for Professional Development

> Before teachers can consider the differential treatment of students in the instructional setting, the instructional sequence must first be set and thoroughly understood.

This means that content for professional development must be determined by the difference between teachers' current skills and the skills they should have. Interest can also play a valuable role, particularly for teachers with good instructional competencies. Two techniques for determining content of PD programs are provided.

Special skills and techniques are needed to assist competent teachers in polishing their classroom management skills or aiding marginal teachers in overcoming their classroom management deficiencies. Several techniques are described in detail in Chapter 5 under "Watching a Colleague Teach" and "Using Feedback Charts."

Broad-based assessment. This technique incorporates teachers' perceived areas of need, including skills *and* interest level, and involves teachers in determining training topics as suggested above in the "Goals and Objectives" section. A sample assessment instrument is provided in Figure 2.2.

In the assessment instrument, teachers are asked to rate their skill and interest levels. Note that the priority of each skill is inversely related to the number, and that both scores for each skill area must be compared. For instance, a rating of "1" for diagnosis of learning problems indicates a low skill level and high interest. Moderate ratings pose a more difficult question. A "2" rating in perceived competency and a "2" rating for interest

Instructor Skill	Degree of Perceived Competency				Interest		
	Expertise in: experienced & can serve as consultant	Worked with: have experience but not qulified as consultant	Knowledge of: definition only	No knowledge of: no knowledge to a knowledge of simple definition only	Very much desire training	Somewhat desire training	Do not desire training
	4	3	2	1	1	2	3
Diagnosis of Learning Problems							
Classroom Management							
Conferencing With Parents							

Figure 2.2. Sample Assessment Instrument

simply indicate a moderate to low skill level. A "2" rating for interest indicates a moderate interest level. Other data sources must be employed in situations such as this. This is an appropriate situation for you to consider the following:

- information you have acquired during management by wandering around (MBWA) visits to classrooms,
- the sequence of training topics shown in Figure 2.1,
- school goals regarding instruction, and
- administrators' findings from formal evaluations.

Administrative judgment. The administration is responsible for ensuring the high-quality performance of all professionals on staff. This can only occur if the administrator possesses sound instructional abilities and detailed information about teachers' instructional skills. The latter requires administrators to spend time in classrooms observing teachers and working *with* them to develop more effective curricula and to improve instruction (see the Chapter 3 section, "Checking Your Attitudes and Skills").

Administrators can effectively use administrative judgment to solve contradictions in teachers' training needs ratings and in keeping the schools on track in achieving instructional and program goals. Specifically, in the example cited above, the administrators may find that a teacher's skill rating of "2" is very humble or far too optimistic. This difference in assessments must be discussed and resolved with the individual teacher to ensure that the PD program accurately reflects reality. It is sometimes difficult to disagree with a teacher's perceptions of his or her skills, but it must be done. Use of good interpersonal skills is critically important in this situation.

Key Terms and Concepts

- ☐ *Administrative judgment.* This term describes administrators' judgment of teacher and other professional staff skill levels based on observations.
- ☐ *Broad-based assessment.* This technique helps determine training needs based on teachers' perception of their skills and interest levels.
- ☐ *Teacher burnout.* This condition includes loss of energy and enthusiasm for teaching with concomitant loss of teaching effectiveness.
- ☐ *Induction programs.* These organized strategies assist new teachers in becoming acclimated and comfortable in their new school and community settings.
- ☐ *Buddy teachers.* A key element in the induction program, this is a friend who aids the new teacher in becoming acclimated.
- ☐ *Mentor teacher.* This term describes a teacher with exemplary teaching skills and the ability to help the new teacher develop instructional skills.
- ☐ *Professional development (PD).* Increasing instructional competence is the most effective teacher motivator.
- ☐ *Work content factors (motivators).* These are the factors that offer potential to motivate teachers and focus on teaching itself rather than on external factors.
- ☐ *Work context factors (environment).* These are the factors that constitute the context of work, also called "hygiene factors," and must be provided to prevent teacher dissatisfaction.
- ☐ *Teacher motivation.* This process builds on teachers' innate desire to help young people learn through enhanced teaching competence.

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3

Evaluating and Supervising Teachers

Your skill in conducting teacher evaluation and supervision can lead to instructional excellence in your school. Picture your school. You are the instructional leader. You spend hours every day in classrooms observing teachers, helping solve instructional problems, conferencing with teachers who are eager to discuss their instructional problems and successes with you. Students learn. Teachers are happy and satisfied because they are achieving their goal: helping young people learn. It's a team effort between you and the teachers. Instruction and learning are the focus of your day and school.

Do you like this scenario? Good! If it is not happening in your school, it can. Basic dos and don'ts are provided in this chapter that can make the scenario a reality in your school. Read on.

3.1 Recognizing the Status Quo in Teacher Evaluation

The status quo in most schools in the United States is that principals tend to avoid teacher evaluations or give them a dangerously cursory treatment. Why? The answers are many but not complex:

- Principals and teachers view evaluation as a hurtful, unsavory activity, which, principals fear, will jeopardize their friendly rapport with teachers;
- principals are not comfortable with their knowledge of instruction and therefore do not perceive themselves as experts capable of offering substantive suggestions for improvement;
- principals believe they do not have time to devote to the evaluation/supervision process; or
- teacher evaluation and supervision are not embraced as a requirement that can and will increase teachers' success in helping their students learn.

These perceptions have given teacher evaluation a "black eye." They have led to very unprofessional practices such as principals' giving teachers superior ratings without observing them. This has resulted in grossly inflated ratings, where principals rate all or nearly all teachers as perfect (Frase, 1991). Some teachers are "crackerjacks." Some, perhaps 5% to 20%, are near perfect. But many more need improvement. Such grade inflation suggests that evaluators are simply unable or unwilling to offer practical suggestions for improvement. Further, and possibly because of grade inflation, teachers view evaluation as a waste of time. That's understandable, because it takes time and offers nothing more than a perfunctory, half-hearted pat on the back without specific compliments or helpful hints. And that's a pity. *Observing and being observed, giving and getting honest but straightforward feedback on areas of weakness and suggestions for improvement, are the most powerful tools for instructional improvement and professional recog-*

nition known. Better yet, we have substantial evidence that teachers prefer principals who are skilled instructors. They prefer the principal who sets high expectations for them, conducts rigorous observations, holds teachers accountable, and offers practical, constructive criticism that supports teachers and provides recognition for their work in the classroom (Frase & Hetzel, 1990).

Evaluation of certified support personnel (librarians, counselors, nurses, and so on) and classified support personnel (custodians, cafeteria workers, and so on) is addressed in Chapter 7. The information regarding evaluation and personal professional development plans presented on the following pages, however, should be applied to all personnel, particularly professional staff.

The following pages are devoted to the crucial ingredients that can

- transform your evaluation system into one that helps teachers teach better,
- improve teachers' perceptions of your instructional leadership,
- make you an integral part of the educational program, and
- lead to improved student growth and development.

There are 10 sources of teacher evaluation data:

1. paper/pencil test of knowledge;
2. self-evaluation;
3. student evaluation of the teacher;
4. student performance;
5. artifact collection;
6. teacher interview;
7. critical incidents;
8. survey instruments;
9. observations: narrative, frequency counts, and rating scales; and
10. structured interviews.

This chapter focuses on observations, the most valid and reliable source of teacher evaluation data.

3.2 Checking Your Attitudes and Skills

It is crucial that you *believe* that teacher evaluation can lead to improved instruction. It is equally crucial to possess the skills and abilities to carry out the teacher evaluation and supervision functions. Use the following "attitude and skills checklist" to assess your readiness.

	YES	NO
1. Are you conversant with the research base for the criteria in your teacher evaluation system?	___	___
2. Do you feel comfortable with the idea of doing demonstration teaching for teachers and administrators?	___	___
3. Was your last training in teacher evaluation within the past year?	___	___
4. Have you and another evaluator ever attained a 95% reliability rating?	___	___
5. Are you comfortable with the idea of observing teachers and offering suggestions for improvement?	___	___
6. Are you willing to spend an average of 50% of the school day in classrooms or with teachers working on curriculum and instructional programs?	___	___
TOTAL	___	___

If you did not give a positive response to all or nearly all of these, you may not be ready. If this is the case, it's OK! You are definitely not alone. The important thing is that you improve. It is the district's responsibility to offer resources to prepare you for evaluating teachers. The required skills do not develop by chance; you must assume the initiative. Skills in scripting, conferencing, and developing and monitoring professional development programs are crucial to success. The American Association of School Administrators and the Association for Supervision and Curriculum Development offer training in these areas. In addition, there are many good consultants who can help you and your fellow administrators brush up on these skills. Make arrangements to receive training. You, your teachers, and, ultimately, your students will be very happy you did.

3.3 The Process

Evaluation observation systems differ in criteria, rating scales, steps in the process, and number and length of observations. But there are commonalities. Most comprise four steps:

1. preconference,
2. observation,
3. postconference, and
4. personal professional development plans (PPDPs).

A. *The Preconference*

The preconference offers an opportunity to set the stage for the entire evaluation/supervision process. The following should be discussed during the preconference:

- purpose of the evaluation,
- the evaluation instrument and district policy for teacher evaluation,
- criteria on which you may be focusing,
- time and date of the observation, and
- the next steps in the evaluation process (what the teacher can expect).

Each is addressed in the following pages.

Purpose of the evaluation. The purpose of the evaluation should be set in positive tones. Strip teacher evaluation of its dark, mysterious, and diabolical reputation. The purpose of evaluation is to improve instruction, and there's nothing diabolical about improving learning for young people. In fact, that's what both you and teachers want—it's your common goal. Make it clear that your job is to critically review the teacher's instructional practices and to identify areas of strength and those in need of improvement. Further, your job is to offer suggestions for improvement and resources that can lead to improved instruction. Improvement is the goal. Make it clear. This must be balanced with the fact that some teachers are already quite effective instructors and the vast majority demonstrate some commendable skill(s). Commendations are important and should be given when warranted. But teacher evaluations should not be reduced to "ceremonial congratulations," wherein teachers receive positive or laudatory comments but no creative insights or helpful ideas for improvement.

The evaluation instrument and district policy for teacher evaluation. Review the district's evaluation instrument and policy. Be sure to highlight the following:

- evaluation criteria,
- how the instrument is to be completed,
- how the observation is to be documented, and
- time requirements for length of observations and completion of the process.

The evaluation instrument and related procedures are the backbone of an effective evaluation system. The instrument should be based on

- widely accepted research-based criteria that are directly related to student achievement,
- summative ratings that cover the full range of performance from "outstanding" to "inadequate," and

- an evaluation form requiring the evaluator to provide narrative comments that clarify the ratings by giving examples of good and not-so-good practices.

If you are a principal, the nature of the instrument may be out of your hands. But, if it doesn't meet these criteria, be sure to tactfully suggest that it be revised. Better yet, volunteer to chair or serve on a committee to do so. Your supervisor will love your energy, insight, and leadership. In addition, be sure the instrument has been distributed to all teachers. Give them opportunities to ask questions.

If you are a director or assistant superintendent, you've got your work cut out for you. Take the initiative and orchestrate revision of the instrument and related procedures.

Alternative sources of evaluation may be of help to the teacher. Many teachers have found student evaluations useful. Depending on the age of the students, responses to open-ended statements, such as the following, offer helpful information:

"What I appreciate most about my teacher is . . ."
"What I appreciate least about my teacher is . . ."
"I wish my teacher would do more . . ."
"I wish my teacher would do less . . ."

Feedback is the breakfast of champions! Communicate that belief. Unfortunately, teachers frequently object to use of this type of evaluation instrument for fear the information will be used against them. They may also think that student opinions are not valid. You can change that image by asking teachers to give you feedback. Lead by example. When you show your desire to gain feedback from others and your awareness of room for improvement, the teachers may also try it.

Special criteria on which you may be focusing. If you are aware that teachers are having problems in a certain area, share it with them. A list of specific requirements, such as the following on academic learning time (ALT), will help you focus and add clarification for the teacher.

Maximize Academic Learning Time

- Schedule learning time in accordance with district policy
- Establish procedures so students know what to do upon completing a task or when they need help
- Manage time efficiently by starting class and lessons promptly and closing lessons smoothly within the allotted time
- Ensure that students experience a high rate of task success
- Minimize time spent in collecting or disseminating materials and in making transitions between subjects, classes, and activities
- Ensure students are engaged in task-relevant activities

Determining the major topic of this list may require review of the last evaluation or conference you had with the teacher and the evaluation criteria. It is important to talk about areas in need of improvement. Everyone has room for improvement. It is nothing that should cause shame. Bringing these areas into the open, discussing them, building strategies for improvement, and following up on them will make it easier for teachers to deal with "less than satisfactory" ratings. Keeping problems in the closet or soft-soaping them won't motivate the teacher or help the students; the problems will grow worse.

You and your teachers may also establish a theme for the year. Such themes may be cooperative learning, essential elements of instruction, or the whole language method of learning. If so, remind the teachers that you will be focusing on specific goals in the special theme area.

The preconference is the time to design the observation guide, which is a copy of the lesson plan the teacher will use. A suggested format is provided in "The Observations" section below.

Time and date of the observation. It is customary to agree on the first observation date and time. But subsequent observations should be unscheduled and frequent. Formal evaluations and frequent brief observations should be scheduled on your calendar. When they are not scheduled, they frequently do not get done.

Effective evaluations are based on many observations, not just one or two. Frequent classroom observations are part of "school management by wandering around" (MBWA). Managing time to conduct unscheduled observations, what to look for in classrooms, and the practical and research-based advantages of MBWA are addressed in detail in *School Management by Wandering Around* (Frase & Hetzel, 1990).

The next steps in the evaluation process and what the teacher can expect. The preconference is the time to preview the upcoming steps: observation, postconference, and personal professional development plan (PPDP). Time should be taken to review the format and purposes of these steps. Stress that the entire process is viewed by you as a positive one focused on further enhancing professional skills. Make it clear that teachers are required to prepare a professional improvement plan, and your role will be to offer advice and resource assistance. Remember, the purpose of evaluation is instructional improvement. It is not to hurt, scare, or intimidate teachers. The entire conversation should stress the importance of the improvement ethic among professionals.

A new teacher will not know what to expect during the observation. This is the time to inform the teacher that you will be scripting the lesson. Having an observer write while a teacher teaches can be considered rude, and it suggests that the teacher is doing something wrong. Put the teacher at ease by letting him or her know what you will be doing and why. For example, "I'll be writing during the lesson. I know that it seems rude, but scripting is the best way to collect data for determining your strengths and areas for improvement."

Review the time and date of the observation and end the meeting crisply on a positive, upbeat note.

B. *The Observations*

The observation is your opportunity to assess instruction, to determine teachers' strengths, and to indicate areas that have room for improvement. Nothing you do during the school day is more important. Demonstrate a positive attitude toward it.

A sample observation guide is provided below (Hetzel, 1991). Remember, this guide is constructed based on information learned in the preconference, such as lesson plan, objectives, type of lesson, how will students be grouped, how will group membership be determined, does lesson fit into the unit or course of study, how will mastery be determined, is this an introductory or culminating lesson? The observation guide should be based on the professional development plan (PPDP; described in a section below and in Figure 3.2), if one is in effect.

Observation Guide

Date: __________________ Observer: ________________
Time of lesson: ____________
Unit: __________________ Teacher: ________________

I. Instructional Objectives
Long-term goal:

Lesson objective(s):

Identify level of difficulty for the lesson objectives—knowledge, comprehension, application, analysis, syntheses, evaluation:

II. Lesson Presentation
Basic teaching strategy to be used:

Rationale:

III. Practice Activities
Guided practice:

Independent practice:

Attach copy or describe the independent practice activities:

IV. Evaluation of Results
Evaluation strategies keyed to learning objectives:

V. Special Considerations
Group characteristics:

Special education students and/or characteristics:

VI. Attachments
Seating charts
Learning materials
Observation formats [see Chapter 5]

VII. Preceding Lesson Description
Objective:

Student activities:

Results:

VIII. Follow-Up Lesson Description
Objectives:

Student activities:

Results:

The following is a list of little but important reminders to help you make the most of the observation time.

- Schedule the observation on your calendar and the school secretary's calendar.
- Tell your secretary that observations have the highest priority and should not be displaced by any reason other than an emergency.
- Ask your secretary to remind you of the upcoming observation (the day before and one hour before the scheduled time).
- Review your notes from the preconference and the last evaluation prior to the observation.
- Construct and take your observation guide.
- Be sure to take a note pad and pencils or pens. You'll need these for scripting—your memory vault.
- Be on time.

Criteria	Observation: Narrative	Observation: Frequency, Counting	Observation: Rating Scale	Artifact Collection	Teacher Interview	Critical Incident	Survey Instruments
Demonstrates effective lesson planning				X	X		
Maximizes student time on task	X	X					
Demonstrates effective lesson presentation skills	X			X			
Builds positive student self-esteem	X	X				X	X

Figure 3.1. Evaluation Criteria-Data Source Organizer

Supplements to observations. Although observations are the most frequently used and highly valuable means of collecting teacher evaluation data, they should be supplemented, when appropriate and practical, with information from one or more of the 10 sources of evaluation data identified in the beginning of this chapter. Use of more than one technique bolsters the reliability and validity of the administrator's findings. Use of more than one data source can become unmanageable. Use of an evaluation criteria-data source organizer (see Figure 3.1) will help the administrator organize the data to ensure that all criteria are properly assessed. Seven of the ten data sources are illustrated in the organizer in Figure 3.1.

C. The Postconference

The postconference is the time to exchange ideas, report on your findings, analyze the findings, set new goals, and outline the performance improvement plan. The following are guidelines for conducting postconferences:

Conduct the postconference within three days of the observation. This will direct you to complete the analysis and write up notes promptly and will help the teacher because the evaluation is given while memories of the lesson are still fresh.

Conduct the conference at the scheduled time, barring only emergencies. Lead by example. Show how much you value the conference. Don't let other obligations displace it to a later date. That clearly communicates that whatever displaced it is more important.

Be prepared. Complete the evaluation instrument before the postconference. Have your notes organized and at hand. Have your list of commendations and/or suggestions for improvement organized, neatly typed, and ready to present. This is an example of "walking the talk." You said evaluation is important and now you are demonstrating your stated values.

Set the stage. The conference is a professional activity of the highest importance. Treat it as such. Hold it in your office or in the teacher's classroom. Have coffee or another beverage available. Tell your secretary the meeting is not to be interrupted. Arrange the seating based on the climate you anticipate. If you expect the teacher to be open to the evaluation, you may wish to sit at a table with the teacher so that papers can be displayed and reviewed. Sitting in comfortable chairs in a less formal arrangement also may be appropriate.

If you have reason to believe the teacher's reaction may be negative, you may chose to sit at your desk with the teacher on the other side. This can serve to establish your authority and the fact that the conference is serious business. I have found that some teachers will attempt to discredit the evaluation and your supervision and evaluation skills, thereby derailing the meeting from its intended purpose.

Use good interpersonal skills. Whether communicating commendations or areas in need of improvement, your body language and interpersonal skills are important allies. The following should help you make the most of the conference:

- Extend a sincere, friendly greeting to teachers when you meet them for the conference.
- Be open and relaxed, not closed and tight. Place your hands on the table or on the materials. Do not keep them tightly wrapped around you or close to your body and do not make gestures that may be interpreted as offensive or inappropriate.
- Be confident, firm, and sincere as you talk, whether you are praising teachers or pointing out areas badly in need of improvement. In any case, do not appear threatening.
- Look the teacher in the eye frequently, especially when you are making an important point. Wandering eyes communicate uneasiness and lack of confidence.
- Be confident of what you have to say and say it concisely in a straightforward manner.
- Don't compromise your message by adding unneeded qualifications. Contrary to popular opinion, soft-soaping a message does not make the teacher feel more comfortable. It seriously hinders improvement and jeopardizes your credibility.
- Be silent for a few seconds to allow time for the teacher to feel your pride, honesty, and/or concern.
- Give the teacher the opportunity to ask questions.
- Remind the teacher how much you value him or her. Reaffirm that you think well of him or her, regardless of the performance. Remember, people will not improve without feeling good about themselves. This is a tough balancing act between showing that you value them and helping them understand that improvement is essential. Remember, people feel best about themselves when they do a good job. Assisting them in doing so is the principal's prime responsibility.
- Shake hands and end the meeting crisply and positively.

D. *Personal Professional Development Plans (PPDPs)*

PPDPs are for marginal and competent teachers. Your job is to facilitate the professional growth and development of every teacher. Eliminate the common belief that *improvement* is a bad word only reserved for bad teachers. Everyone has room for improvement, and all should strive for it. That's the improvement ethic (see Chapter 2). Improvement is something to inspire pride. Claims of perfection and denial of deficiencies are unprofessional and unrealistic.

PPDPs contain three sections: objectives (keyed to the evaluation criteria or job enrichment target; see Chapter 2), learning activities (resources available and completion dates), and evaluation techniques. Each is addressed below. A sample PPDP is presented in Figure 3.2.

Objectives. Objectives should be aligned with the evaluation criteria, worthy of accomplishment, communicated clearly, assessable through practical methods of measurement or observation, and attainable within the allotted time and with the allotted resources.

If the teacher is truly excellent, the evaluation criteria may not be applicable. In this case, the objective should address job enrichment. Excellent teachers sometimes experience burnout. A preventive treatment is to offer new training or change job requirements, which will challenge the teacher and provide a rewarding experience at the same time (see Chapter 2). Remember, all teachers should have a PPDP. The contents will be different, but the purpose is the same: professional improvement.

Learning activities. Learning activities should be aligned with the objectives. State only those learning activities that will help the teacher achieve the objective(s). Professional reading, attending conferences and workshops, observing and being observed, conferencing with mentor teachers, and trying new techniques in the classroom are learning activities that can lead to professional improvement. These should be stated in the PPDP along with completion times and dates. As a school administrator, you should be prepared with ideas for activities and resources you can provide for the teacher's use.

School: Best & Brightest Supervisor: Ms. Facilitator

Name: Mr. Will Improve Date: November 1, 1991

Focus Area: Academic Learning Time

Cited in previous evaluation: ____ yes ____ no

Objective: To increase academic learning time from 40% to 80% by June 1, 1992

Development Strategies:	Completion Date:
1. Conference with supervisor to discuss results of evaluation	November 5, 1991
2. Conference with mentor teacher to discuss focus area observing mentor teacher	November 15, 1991
3. Observe mentor teacher	December 1, 1991
4. Outline/analyze strategies observed	January 4, 1992
5. Try out strategies in classroom	January 10, 1992
6. Observation by mentor teacher/videotape	January 20, 1992
7. Analyze "try-out" lesson/videotape and mentor's observation	January 25, 1992
8. Repeat steps 3-7 and alternative methods as needed	April 30, 1992
9. Observation by supervisor	May 10, 1992
10. Stop process, continue, or terminate employment	

Evaluation Strategies: Observation by supervisor

Evaluation Instruments: Time-on-task chart
Task intervention chart
Teacher activity chart*

Evaluation Criteria: Increase academic learning time from 40% to 80% in 70% of lessons observed.

Figure 3.2. Sample Personal Professional Development Plan
*See Chapter 5 for these charts.

Evaluation techniques. Evaluations can be very threatening. Keep it all in perspective. The purpose of all this is professional improvement. That's your goal and the teacher's goal. Evaluation should be based on improvement, not the number of activities completed. Generally, the only way to assess improvement is to conduct another observation. Teachers should have the opportunity to try out new techniques and discuss them before being observed again for improvement. This does not mean you should stay out of the classroom. By all means, go to the classroom frequently on your MBWA schedule to show you care, to offer assistance, and to give the teacher opportunities to ask questions. If the objective is job enrichment rather than instructional improvement, completion of activities may be an appropriate evaluation strategy. Eventually, however, it is reasonable to expect that the teacher will do something differently as a result of these experiences.

Writing the PPDP may take a few days. When complete, a copy should be given to the teacher, one should be placed in the personnel file, and you should keep one. Note significant dates on your calendar. Monitoring is important. Remember the old saying, "If it is not monitored, it's optional." The PPDP is too important to be optional. Monitor it regularly and request reports, either verbal or written, from the teacher.

3.4 Summary of Dos and Don'ts

The following are key "dos and don'ts" that can make or break the success of your evaluation program.

The Dos

- Spend a major portion of the school day in classrooms and working with teachers on program and instructional improvement.
- Believe in people.
- Seek feedback openly—lead by example.

- Demonstrate the value of observations and conferences with teachers by being on time and prepared.
- Make sure you are highly proficient in conducting teacher observations and analyzing instruction.
- Whether giving praise or reprimand, be firm and believable.
- Constantly approach evaluation from the point of view that its purpose is to help people improve.
- Be very specific when you compliment or reprimand a teacher or other employee. "Great!" "Good job!" and "You're so good!" are nice but quickly lose meaning and motivational impact.
- Follow the district's evaluation procedures and policies.
- Believe in and demonstrate the work ethic: "Everyone has room for improvement, including me." Show people your own improvement plan.
- Give only practical suggestions for instructional and classroom management.

The Don'ts

- Don't pass the buck. The buck stops with you. Show you can handle it.
- Don't give a teacher a "good" rating when it is not deserved.
- Don't try to waltz when you don't know the music, the problem, or a good solution—it will cost you respect.
- Don't act as if you know it all. No one does. Admit it and strive for improvement.
- Don't procrastinate on problems; tackle them aggressively.

Key Terms and Concepts

☐ *Teacher evaluation.* This cooperative process between the teacher and evaluator is designed to assess and improve the instructional performance of teachers. The process and instrument should be developed by all parties involved.

☐ *Grade inflation.* This is the documented practice of assigning only "meets standards" or "perfect" ratings on summative teacher evaluations.

☐ *Summative evaluation.* The final evaluation of the year rates the teacher's instructional performance for the entire year; it is usually the summary of numerous formative evaluations that have occurred throughout the year.

- ☐ *The improvement ethic.* This term describes the continual effort to improve, regardless of your job.
- ☐ *Reliability rating.* This measures the "closeness" between your ratings of instruction and another evaluator's ratings. A reliability rating of .9 is acceptable and .95 is very good; .95 simply means that there is only a 5% difference between the two raters' opinions of the lesson observed.
- ☐ *Preconference.* This meeting between the teacher to be observed and the observer, usually the principal, is an opportunity to address the purpose of the evaluation, the instrument, district policy, criteria, time and date of the observation, and the next steps in the process.
- ☐ *Postconference.* In this meeting between the teacher and the observer, results of the observation, PPDP, and other future steps are discussed.
- ☐ *Teacher observation.* This is the time when the supervisor observes the teacher teach. Evaluations and PPDPs are based on observations.
- ☐ *Personal professional development plan (PPDP).* The improvement plan for the individual teacher contains objectives, strategies, and evaluation information.
- ☐ *School management by wandering around (MBWA).* This practice consists of spending a major portion of the day in classrooms observing teachers and working with them on instructional and curriculum problems/programs.
- ☐ *Observation.* These are occasions on which the principals, mentors, or supervisors observe the teacher teach—either formally or informally.

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4

Managing the Marginal Teacher

4.1 Key Administrative Skills

Now that you have decided that a teacher on your staff may be marginal or even incompetent, it's time to examine the "tough side" of professional development: what to do when improvement is not forthcoming or still is not adequate. That's what this chapter is about. The following skills and information are provided in this chapter:

- definitions and clarification of types of incompetency;
- a four-phase process for dealing with a marginal teacher, from initial diagnosis through successful remediation of deficiencies or dismissal;
- basic writing skills for developing documentation;

- skills for file building;
- basic writing and formats for writing disciplinary memoranda;
- determining who should have access to personnel files; and
- avoiding or dealing effectively with grievances.

As you read this chapter, picture a teacher who you believe *may* be incompetent or marginal. Apply the information presented in each section to the teacher in question. For instance, in the following section, attempt to categorize the teacher's incompetence. In the section on specifying deficiencies, write out the deficiency, being as factual and objective as you can. Remember, if it seems too tough or "not worth it," consider the consequences: endless student minds lost or dulled to mediocrity.

4.2 Teacher Incompetency: Definitions and Clarification

Teacher incompetence takes many forms, and many types of incompetence are interrelated. Observing an incompetent teacher and specifying the deficiencies take skill. Sometimes it's hard to see the forest due to the trees. It all can be quite confusing. But help is available. There are five categories of incompetence that help organize and make understandable the many forms of deficiencies: technical, bureaucratic, ethical, productive, and personal (see Bridge, 1986). Examples of each type of incompetency are provided below to further define and illustrate the meaning of each category. Each example has been successfully used in court cases. Because technical incompetencies account for the vast majority of dismissal cases, the focus of this chapter is on *technical* incompetency.

(1) Technical. The teacher is deficient in one or more of the following:

☐ ability to maintain discipline,
☐ teaching methods (ability to impart knowledge effectively),
☐ knowledge of subject matter,

- explanation of concepts,
- evaluation of pupil performance,
- classroom and instructional organization,
- development and maintenance of lesson plans, and
- respect from parents and students.

(2) ***Bureaucratic.*** The teacher does not comply with school rules and regulations or directives of supervisors regarding the following:

- failure to follow suggestions for improving performance,
- failure to follow the district curriculum, and
- failure to allow supervisors in the classroom for purposes of observing performance.

(3) ***Ethical.*** The teacher does not conform to standards of conduct applicable to the teaching profession. Examples are

- physical or psychological abuse of students,
- negative attitudes toward students,
- indifference toward performance of teaching duties,
- immoral or unprofessional conduct,
- criminal acts, and
- conviction of a felony or any crime involving moral turpitude.

(4) ***Productive.*** Teacher fails to obtain certain desirable results in the classroom in the following areas:

- academic progress of students,
- students' interests in school,
- respect of students for teacher, and
- classroom climate.

(5) ***Personal failure.*** Teacher lacks certain emotional or physical attributes deemed instrumental in teaching, resulting in

- poor judgment,
- emotional instability or other mental disability,

- ☐ lack of self-control,
- ☐ insufficient physical strength to withstand the rigors of teaching, and
- ☐ alcoholism or other drug abuse.

The large majority of competency problems in schools address lack of teaching ability or technical incompetency. These generally encompass teachers who simply bungle the job of teaching, and students' learning is hindered as a result. We have all seen incompetence in action. It is most frequently manifested in failure to maintain classroom control, excessive reliance on rote learning and drab techniques such as copying material and seeking answers to end of chapter questions, and requiring application of a concept before the concept is actually taught and practiced.

Technical and productive incompetency are obviously related. That is, lack of ability to teach will logically result in productive failure: low student achievement. This chapter will address technical incompetencies because they are by far the most prevalent in our schools and are the categories that concern teaching skills.

Management of marginal and incompetent teachers, both tenured and probationary, is generally carefully prescribed by law, board policies, and the collective bargaining agreement. Efforts to provide resources to teachers to improve their teaching performance are required; records must be kept; and deadlines must be met. First and foremost, administrators have a legal and moral obligation to provide resource assistance to teachers who demonstrate teaching deficiencies. Doing the job right takes time, fortitude, and energy. Being organized and diligent in following a plan and all applicable rules makes the job easier and increases your chances of attaining a successful outcome. Remember, success is defined as having a competent teacher in the classroom.

The law requires quite different due process procedures for tenured and for probationary teachers. Basically, tenured teachers have a much greater "property interest" in their job and therefore more stringent due process procedures than do probationary teachers. "Nonrenewal" of probationary teachers' contracts is subject to significantly fewer and less stringent legally prescribed due process requirements. These requirements are discussed in Chapter 6.

4.3 Dealing With Marginal Teachers: A Four-Phase Process

A comprehensive process for dealing with a teacher from the time problems are first detected through dismissal is provided and discussed below and in Figure 4.1. Note that only Phase 1 and sometimes Phase 2 are required for probationary teachers while all four are required for tenured teachers. The legal reasons for these differences and their ramifications are discussed in detail in Chapter 6.

A. *Phase 1: Initial Diagnosis*

You have three considerations at this stage, one is of a legal nature, one is ethical, and one is economic. First, legal requirements vary greatly between tenured and probationary teachers. So the first question is whether the teacher in question is tenured or probationary. The second consideration is one of ethics. We must believe that every teacher came into the profession to teach and to teach well. Therefore we are obligated from both an ethical and a legal perspective to offer resource assistance and opportunities to the marginal teacher to improve. The third is an economic consideration. It costs money to hire teachers. We invest money in the recruitment, induction, and mentoring stages, and it makes sense to capitalize on these investments.

From initial diagnosis of possible inadequacies through successful remediation or termination, the administrator's primary responsibility is to offer resource assistance, follow all due process requirements, and compile documentation. The fact that not everyone has the ability to teach must also be kept in mind from the beginning. This means that the teacher may not make adequate improvement to meet your standards of acceptable

Phase 1: Initial Phase	Phase 2: The First Formal Plan	Phase 3: Official Corrective Plan	Phase 4: The Termination
1.1 Legal and ethical considerations	2.1 Seek legal advice	3.1 Issue notice to implement the improvement plan	4.1 Notify teacher of board's intention to terminate services
1.2 Specify deficiencies	2.2 Teacher develops written performance plan with administrator's assistance	3.2 Develop and implement the second improvement plan	4.2 Prepare for hearing
1.3 Assist teacher in remediating deficiencies	2.3 Appoint mentor teacher	3.3 Evaluate progress	4.3 Hold hearing
1.4 Evaluate progress	2.4 Review and validate plan		4.4 Action of board or hearing
	2.5 Initiate performance improvement plan		4.5 Prepare for possible appeal
	2.6 Monitor progress and evaluate for improvement		

Figure 4.1. A Four-Phase Process for Dealing With the Marginal Teacher

performance. We hope that every teacher will, but holding oneself responsible for everyone's improvement is an impossible task. Remember, your job is to provide resources and opportunities for improvement. It is the teacher's job to improve. This will help you keep your responsibility in perspective. Your ultimate goal is to ensure that all teachers in your school are competent. Some are already competent; some will improve; and some, who did not improve, will have to be exited from your school. Termination and procedures for offering resource assistance are very serious and strictly governed by law or "due process" and must be followed at all times.

The first question to answer after a performance problem has been detected is this: From what does the deficiency stem? Is the teacher's poor performance a managerial or an organizational shortcoming? Are teaching supplies inadequate in quantity or in quality? Are too many duties assigned?

The second question is whether or not the problem is a personal weakness of the teacher and, if so, whether the deficiency is due to lack of skill or effort. The former is a matter of training; the latter is a matter of attitude. These demand very different types of remediation. The following questions will help determine whether the problem is a skill or effort deficiency.

- Could the teacher do what is expected if motivated to do so (if life depended on it)?
- Has the teacher ever shown in the past that he or she is able to do what is expected?

If the answers to these questions are yes, the deficiency reflects a lack of motivation or effort. If the answers are no, the deficiency is likely due to a lack of skill.

Statements of deficiency, regardless of their nature, must be *specific* and straightforward (see the section on Phase 2, below). Soft-soaping the problem will hinder the teacher's progress and will hurt your efforts in Phases 2, 3, and 4.

Maintaining written records of all contacts with the teacher and all attempts to assist in improvement is crucial. It is easy to sluff off this chore. It takes time and it is "a pain," but it is a crucial ingredient in the formula for success if the case proceeds to the hearing stage. Detailed, copious records are required.

Efforts to correct deficiencies must be closely linked to the statements of deficiencies. Professional development at this time may consist of clinical supervision, collegial mentoring by a highly skilled teacher in the school, observing the mentor, or attending conferences. The teacher in question should receive close attention during this step. This is not a witch-hunt; instructional improvement is the goal. Keep full records of your attempts to offer resource assistance. Anecdotal notes from MBWA activities will serve you well throughout the case. Should the teacher not demonstrate sufficient improvement and the case go to a hearing, the administrator *will* be called upon to show evidence of support given to the teacher.

This is a time for maintaining close contact with the teacher by making frequent MBWA visits to the classroom and scheduling meetings to discuss the teacher's work. Gaining the assistance of a mentor can also be helpful at this time. Incorporating a mentor in the process, however, does not relieve you of your responsibilities. It is important to remember that the teacher needs help, and the administrator's job is to offer resource assistance and make honest assessments of the teacher's progress.

Deciding to drop the process or to continue on to the first step in Phase 2 is sometimes difficult for an administrator to sort out. A few probing questions that deal with competence, management effort, and contamination of the system can help here. See the job performance evaluation questions in Figure 4.2.

The following questions are also helpful in making the go/no-go decision.

- Does the individual know he or she is marginal?
- How does the district justify keeping marginal employees?
- What is the *realistic* probability that the situation will improve?
- Finally, have you lowered your standards? Lowering them will not help the students in your school.

If sufficient progress is demonstrated and if the answers to the above questions warrant it, the process stops here. If not, go on to Phase 2.

All states specify dates by which probationary teachers must be served with a notice of intent not to renew their contracts. In these cases, teachers generally receive 60 or 90 days' notice for

Name of Employee: ______________________________

Circle the appropriate response:

	Marginal		Competent	Very Competent	
Competence:					
What is this teacher's current competency level? (Is or is not this person a competent teacher?)	1	2	3	4	5
	More than Average		Average	Less than Average	
Management effort:					
How much of your management time does it take to enable the individual to function at his or her most effective level? (Is this person a resource for the school or a drain of others' energies and other resources?)	1	2	3	4	5
	Negatively		Mixed Bag	Positively	
Contamination:					
In what way does the individual's behavior (verbal and nonverbal) affect the system? (Does this person give healthy stimulation to the school or cause trouble?)	1	2	3	4	5

If your total rating for the individual is below nine points, you are dealing with a *marginal* employee.

Figure 4.2. Job Performance Evaluation

improvement of instructional deficiencies and 45 days for charges of unprofessional conduct. If sufficient improvement does not occur during Phase 2, the teacher does not receive a contract for the following year and the process is terminated. In some cases, this notice can be issued immediately following the second step in Phase 1 (assessment of the deficiency), and the third step (professional development) becomes the 60- or 90-day period for improvement. These dates differ between states, so consult the statutes or a person in authority.

B. *Phase 2: The First Formal Plan for Improvement*

This phase is more structured and formal than Phase 1, and the requirements for keeping accurate records and maintaining a "helping" attitude are even more important. In the worst case scenario, however, the length of time devoted to improvement plans will vary from case to case. Probationary teachers seldom require more than the 60- or 90-day period as specified by law. Tenured teacher cases may require a full year of improvement efforts and case building before dismissal is sought. This is particularly true in cases where the teacher's file contains inadequate documentation or if deficient behavior has been ignored by past supervisors.

Informing the assistant superintendent and legal counsel is advised at this time. Nothing rankles central office administrators more than being informed at the last minute that you want to present a dismissal decision to the board of education. Informing the supervisor from the beginning will prevent surprises and help ensure cooperation. The same is true for legal counsel. Keep counsel informed and allow him or her to give advice on due process, documentation requirements, time lines, and so on. Missing just one detail could cause the case to be thrown out later in the process. Technicalities may be a nuisance, but any one of them can make or break the case.

Gaining the cooperation of one or more independent evaluators is important for two reasons: First, the second opinion(s) will help you confirm, rethink, or possibly disconfirm your findings. The independent evaluators can be trained teacher evaluators (administrators) from within your district or trained evaluators from other organizations such as other school districts, universities, regional labs, or the like. Regardless of where they come from, they will strengthen your case, whether it is to terminate the process, redirect it toward other deficiencies, or confirm the importance of continuing the process.

The teacher must be informed of the responsibility to develop a performance improvement plan. The mentor (described in the following paragraph) and administrator may help, but it must be clear that development of the plan is primarily the teacher's responsibility. The plan should include objectives that state what is to be accomplished, outcomes desired, and the method of measuring performance. The plan should also include the remediation activities, deadlines, and assistance needed.

A mentor or resource teacher should be selected at this time. The function of this person is to assist the teacher in improvement efforts. The mentor should be capable of modeling the teaching techniques designated to improve the deficiencies indicated in the performance improvement plan. The mentor also must agree to allow the teacher to observe his or her classes, observe the teacher's classes, and meet and confer with the teacher to discuss performance. The role of the mentor should be specified in the performance improvement plan. Care must be taken to avoid stating or implying that the mentor will serve to evaluate the teacher's performance. Teachers typically feel uncomfortable with this responsibility and should not be burdened with it. Teacher evaluation is the responsibility of the administrator—either the principal or another administrator in the district. The mentor's role is to aid the teacher's improvement efforts.

Review and validate the performance improvement plan. This is your responsibility. Use the following questions to accomplish this task.

- Does the plan flow from the written deficiencies?
- Do the activities fit the performance problems the teacher is experiencing?
- Are the performance improvement objectives, activities, and evaluation methods aligned?

- Is the plan challenging, realistic, worthwhile, and achievable?
- Given the assumption that the teacher possesses the potential, are the activities likely to improve the teacher's performance?

A frequent fatal mistake made at this point is for the administrator to accept the teacher's responsibility for improvement. Statements such as "we're going to work on this together" put the monkey on the administrator's back. The administrator's monkey (responsibility) is to provide services and assistance. It is the teacher's responsibility to improve. Statements such as this one generally are made when the administrator feels uncomfortable and wants to soften the impact on the teacher. *The situation is difficult for the teacher; this fact must be accepted.* Communication from the administrator must be straightforward and honest. Anything less will make the process more difficult for the teacher and the school district.

Finally, both the teacher and the administrator should sign the performance improvement plan; each should get a copy. Copies should also be sent to the file, the building administrator's supervisor, and legal counsel. The teacher may choose to give a copy to the mentor. The teacher is free to distribute this information. You should not, however, give the plan or any other information regarding the teacher and the case to anyone other than school district administrators and legal counsel. If you are unsure how to respond to requests for information, seek legal advice.

Follow the plan, make changes only when the teacher agrees, and keep accurate and complete records. A school administrator should be in the classrooms on MBWA missions frequently, at least 10 times a week for 30-minute segments. Using an independent evaluator and mentor is advised at this time but does not reduce the necessity for MBWA visits.

Following the completion of the performance improvement plan, the teacher should be given the opportunity to try out the skills in question with the mentor teacher before the administrator conducts another formal visit. It makes sense that the teacher be given the opportunity to complete the improvement plan and have this opportunity before being evaluated. Cases have been lost when it has been shown that the teacher was evaluated prior to completion of the plan.

During the monitoring and evaluating phase, the administrator should assure the following:

- Supervision is ample in scope and amount. In other words, the administrator must practice frequent MBWA with this teacher. Close, helpful, and honest supervision is required.
- Evaluation data and notes are complete, well documented, and properly recorded.
- Assistance is provided per the performance improvement plan and properly documented.
- Teacher is treated fairly, equitably, and in a helpful professional manner.

Even though this stage of the process is designed to remedy the teacher's deficiencies, the administrator must anticipate the possibility that the teacher will not demonstrate adequate improvement and must prepare accordingly. The preparation must include development of a pattern of inadequate performance. Single examples of ethical failure (molestation, physical abuse, and so on) are an exception, but demonstration of a pattern of inadequate performance sustained over a period of time is necessary to prepare for a dismissal hearing on the basis of technical, bureaucratic, productive, or personal failure. Incompetency must be shown as a pattern of recurring instances rather than a single egregious incident.

The most commonly used sources of evaluation information are supervisors' evaluations based on classroom observations, anecdotal notes from MBWA, complaints from parents and students, and evaluations from students. Evaluations from students may be criterion-referenced instruments or norm-referenced instruments such as the Purdue Teacher Evaluation Scale. These scales should be completed by numerous teachers in the school to form a basis for local comparison. Local comparisons are needed for nationally normed instruments such as the Purdue. Parent and student evaluations must serve as supportive evidence, not as the major charge of incompetence. The strongest evidence of a teacher's incompetence is the supervisor's evaluation.

The golden rule in writing documentation is "always be factual." Documentation must be clear, direct, and relevant. Build a foundation of facts, not generalized conclusions.

The decision to stop the process or to move on to Phase 3 must be made on the basis of the *extent to which improvement in performance has been achieved and documented, not perceptions of the degree to which the teacher has "tried."* If sufficient improvement has not been made as stated in the performance plan, the decision to move to Phase 3 must be made.

The decision should be discussed with the supervisor and reviewed by counsel before being presented to the teacher.

c. Phase 3: Official Corrective Action

By this time, news of the teacher's performance and tenuous employment with the district is buzzing about the school and community. These are very trying times for the teacher, the administrator, and everyone else involved. The official notification given in this phase requires board action and is therefore public information in most states, although the actual charges are generally private and confidential information. Regardless, the board action frequently does result in exposure in the media. I have experienced this situation firsthand. In one instance, official notice of the board's charges against a teacher appeared in the local paper. Based on the calls received from the community, this was tantamount to heresy, let alone being highly insensitive and immoral. These complaints were made by a few parents who had frequently complained about the teacher in question. No amount of explaining that "public" action was required by law would satisfy the parents.

It is reasonable to assume that the possibility of dismissal will hurt and anger a teacher. These emotions may be manifested in charges that the evaluations are invalid, in general irritability, and in the failure to cooperate and attempts to rally support from faculty, community, and the teachers' association. Resenting the teacher's anger complicates the situation and is ill-advised. Administrators must understand the origin of the stress, be compassionate, and remain firm in their decision to follow through with the process.

At this step, official notice of intent to recommend dismissal to the board of education if specific improvements are not made must be given to the teacher. The notice should be delivered by certified mail or by hand. If delivered by hand, a witness should be present to sign a document saying that the notice was received by the teacher, that the teacher refused to accept it, or whatever else may have occurred. This letter or official memorandum should be signed by the superintendent and approved by legal counsel to ensure compliance with the law. The notice should state that a plan of corrective action (performance improvement plan) is being instituted because performance deficiencies have persisted through previous phases despite efforts by the administration to correct them. Official stationery should be used. A sample notice follows.

[Inside Address]

Dear Teacher Deficient,

Pursuant to [state statutes], the Nondeficient Board of Education, at its meeting of [state month and day] 1991, formulated a statement of charges alleging that there exists cause for your dismissal and directed me to give notice to you of its intention to dismiss you at the expiration of 30 days from the date of service of this notice.

The written statement of charges of inadequacy of classroom performance are as follows:

1. Inadequate classroom control
    A. inadequate ability to establish and maintain student attention and on-task behavior
    B. inadequate classroom management practices
2. Inadequate instructional planning
3. Inadequate evaluation of instructional program
4. Inadequate assessment of student needs

5. Inadequate provision for individual student ability levels
6. Inadequate professional improvement

The specific instances of behavior and acts of omissions constituting the respective charges are attached hereto. Statements of specific corrections required, evaluation criteria and instruments, the professional improvement plan, and the appropriate statutes are attached hereto.

Yours truly,

High Standards School District

Mr. We Want Only the Best and the Brightest, Supt.
For the Board of Education

The following should be included in attachments to the notice:

(a) statement of *specific* deficiencies;
(b) statement of *specific* corrections required;
(c) statement of *specific* criteria and instruments, if any, to be used in judging performance;
(d) statement of the improvement plan, including activities for the teacher to engage in, important times and deadlines, with the dates when the improvement plan will terminate and a final decision will be made, school or district assistance to be extended including the names of persons to work with the teacher, number of professional leave days, and material resources; and
(e) copy of appropriate statutes, past evaluations, pertinent district policies, and other information required by state law.

Implement and conduct a plan. Carrying out the plan requires a good deal of time. Allowance for this demand must be planned and scheduled on the calendar in permanent ink. This is not something that can be stacked on top of everything else on the calendar; some other activities must be reassigned or postponed.

Stepping up the supervision schedule may be interpreted and claimed by the teacher to be harassment, but the practice does have support in case law. That is, the courts have interpreted additional attention (observations and consultations) as helpful.

The final decision must be made on "performance" in relation to the deficiencies cited in the notice. This is another hard decision, but maintaining an awareness of the fact that the purpose of this exercise is to *ensure that only competent teachers are in contact with students* makes it rational, if not easier. It is my experience that the majority of these cases are referred on to the fourth phase for termination if not resolved at this level via a buy-out or other method of induced exit. This is not unexpected or unreasonable in light of the contention that only 10% of the teachers found to be incompetent ever achieve competency. Not everyone employed by a school district as a teacher is destined to be a competent teacher. Teaching takes a special person with special skills. It is an insult to the profession to think that anyone can or should teach in the public schools.

D. *Phase 4: Termination Process*

Administrators have two responsibilities in Phase 4: (a) to assist in preparation for the hearing and (b) to participate in the hearing.

The official notice of intent to terminate should be written by legal counsel. Statement of the intent, the charges, and the time line will be included along with necessary documentation such as the evaluations and statutes. Other requirements as stated in the first step in Phase 3 apply here also.

Preparing for the hearing involves development of the evaluation summary. The person assigned to this task varies from district to district. In large districts, the director of personnel usually performs this function. In smaller districts, the superintendent or assistant superintendent may draw the duty. Legal counsel will give direction for determining the contents and format of the summary and may also be called upon to write the summary. It is important to work closely with legal counsel in this effort to ensure the file is interpreted correctly. It is my experience that lawyers, although most valuable during the process, are prone to overlooking key points regarding competence or pushing their legal interpretations to the point that the case is significantly weakened or misconstrued. Lawyers are paid to make interpretations; push them to justify their interpretations and do not give them carte blanche authority. Use them as advisers. The administration is responsible for the district and the outcome of the hearing.

Deadlines for issuing notices vary from state to state, but the four-phase process in the case of a tenured teacher will take a full year. Meeting each deadline in the process is a must (see Chapter 6). Missing one can result in termination of the process and loss of the case. Time lines may be obtained from the state administrator's association, state school board association, district personnel office, or legal counsel. Each administrator should keep a time line in his or her office.

A hearing officer (judge, board president, or the like) runs the hearing. The district's legal counsel organizes and presents the case for the district, and the school administrator supports legal counsel and offers advice when appropriate.

The school administrator has no role at this step other than waiting and gearing up mentally for the following step.

If the decision of the hearing office is in favor of the district, the teacher may have the right to an appeal, depending on state law. If appeal is a possibility, the school administrator, legal counsel, and personnel director or other central office administrator should begin preparing for an appeal. Transcripts of the hearing, testimony of witnesses, arguments posed by the defense, and the district's arguments must be reviewed and evaluated for strengths and weaknesses if there is an appeal.

E. *Key Summary Points*

(1) Keep in mind the administrator's primary goal: *putting only competent teachers in contact with students.*

(2) When teacher deficiencies are detected, the first responsibility of the administrator is to provide assistance to the teacher. Personal or ethical failures such as child abuse are exceptions to this rule. In these cases, the teacher must be at least temporarily barred from the classroom.

(3) Know the due process requirements, both procedural (e.g., rights to a hearing and notice) and substantive (fairness of the law). See Chapter 6.

(4) Make sure you have the support of your supervisor.

(5) Due process provisions may be found in statutory laws and regulations, school board policies, state personnel commission policies, the teachers' contract, and case law. Be familiar with these provisions.

(6) Know whether or not board policy grants "just cause" provisions to nontenured teachers. These provisions put the district in the position of being required to conduct the entire four-phase process as opposed to only Phases 1 and 2.

(7) Know the law, collective bargaining agreement, and district policy.

(8) Tougher and more thorough evaluations and supervision are required as the four-phase process proceeds.

(9) Compile only accurate and appropriate information.

(10) Schedule adequate time for MBWA and other responsibilities related to the four-phase process.

(11) Keep comprehensive and accurate records of all activities and contacts regarding the process.

(12) Keep the central office administration and legal counsel well informed.

(13) Allow the teacher reasonable time for improvement.

(14) Be consistent and fair in dealings with the teacher.

(15) Seek and scrutinize advice from legal counsel.

(16) Develop a support group to help you through the process.

(17) Keep only the information you would share with the teacher in the file. Other information is not admissible in court.

Information accumulated during the hiring process (e.g., placement papers, rankings, reports, notes from identifiable examination or promotion committees) or notes used for planning/conducting the four-phase procedure are not subject to review by the teacher.

(18) When the going gets tough, remember that there is more to lose through substandard evaluations and substandard supervision than angering some teachers and others who may support the teacher in question (such as parents and politicians).

4.4 Avoiding and Dealing Effectively With Grievances

Most school districts have grievance policies on file. The best way to avoid grievances and to win them when they do arise is to *play by the book and follow the rules.* Any time your actions are not consistent with district policy, the bargaining agreement, and laws, you are giving employees legitimate cause to file a grievance. Certainly the topics addressed in this chapter are volatile and more prone to grievances than many other topics. The following guidelines will help you avoid grievances and deal effectively with them when they do occur.

- Be intimately familiar with and follow provisions of the bargaining agreement, state laws, and all board policies.
- Accept the fact that teachers and other employees have the right to have grievances.
- Attempt to settle grievances at the lowest possible level, possibly before the grievance is filed. This does not mean you should give away the store, but mistakes do happen. When they do, admit it and get on with school business. If the grievance is not well founded, explain your reasoning and attempt to convince the employee.
- Be sure teachers believe they can have time with you to discuss matters of concern. This will help head off grievances.
- Talk with other administrators about the problem; they may have good advice.
- Follow the grievance policy to the letter.

- Don't hear a grievance unless the teacher can cite the part of the contract allegedly violated.
- Alert your supervisor to the possible grievance.
- Do not allow friendship, past employee experiences, or gender to influence your decisions.

4.5 Documentation and File Building

To prevail in a dismissal case, you must be prepared with evidence to support your charges. This evidence is housed in the teacher's personnel file. Simply "knowing" that a teacher is incompetent and supplying personal testimonial to that effect is insufficient. All meetings, evaluations, and communiques (e.g., directives) that take place during the four-phase progressive discipline process must be documented in writing. This documentation is the substance of your case and must be kept in the teacher's file. Don't allow yourself to "slip" it into a side drawer or "secret" file; such practices are against the rules and the documents cannot be used as evidence. The exception to this rule is that working notes may be kept in a separate file and are not subject to review by the teacher.

Writing complete memoranda takes some practice. There are four characteristics of a well-written disciplinary memo:

1. It is clear, direct, and relevant to the teacher and the issue at hand.
2. Content is based on factual information, not conclusions.
3. Content is detailed and specific.
4. Content contains no sarcasm, innuendo, or statements that signal a personality conflict.

Criteria 2 and 4 above require little interpretation; fact is fact, and conclusion, sarcasm, and innuendo are easy to recognize. Requirements 1 ("direct") and 3 ("detailed") are not as easy. These are addressed below.

Clear, direct, and "to the point" versus veiled and "sugarcoated." Education is a "helping profession," and we're proud of it. As a result, some of us are very reluctant to "write it like it is." Instead, we are known for beating around the bush, equivocating, mollycoddling, and practicing other forms of avoidance behaviors. We like to think that being nice will help soothe the teacher's feelings and help him or her to improve. The opposite is true. Being frank, to the point, and polite is helpful because the teacher receives an honest message and can then deal with it. Veiled messages are difficult to interpret and leave the teacher in a quandary, unsure of what the problem really is, and without an opportunity to improve. Problems must be met head on. Consider the case of a teacher who is experiencing problems maintaining classroom discipline. The veiled and indirect message might be this: "Could benefit from additional workshops in classroom discipline." The problem here is that nearly all teachers can benefit from additional study, so what is different about this teacher? The difference is that this teacher's current practice is *inadequate*. This deserves a direct and clear statement such as this: "Classroom discipline is inadequate." We cannot expect teachers to improve their performance unless we give direct and clear information about their deficiencies and strategies for improvement.

Detailed and specific versus general. Once we have a direct and clear statement such as the one above, the next step is to make it detailed and specific. Specificity and detail are known as the *golden rule* of documentation. Making detailed statements is simply a matter of practice. Consider the teacher who is experiencing classroom discipline problems. A detailed and specific statement would be:

Charge: Classroom Discipline Is Inadequate

Your classroom discipline during September, October, and November has been inadequate as illustrated below and described in your formative evaluations for the same dates.

Inadequate Practice	*Date*
6 students were talking while you gave directions.	9-21-91
two students were sleeping during class	9-25-91
5 students were out of their seats and not attending to the lesson you were conducting	9-29-91

After specifying and communicating the problems, the next task is to direct the teacher to resources/activities that may help remediate the problems. The following is a list of directions to teachers. Some are direct and acceptable while others are indirect and wishy-washy. Place a check mark next to those that are not acceptable.

☐ Complete the following by Friday, October 26, 1991.
☐ I suggest that you attend the Friday, October 26, classroom management workshop at the county office.
☐ Submit to me every Monday morning by 7 a.m. your lesson plans for maintaining adequate classroom management as outlined in our teacher handbook.
☐ It is clear that you are a fine teacher but you're having a little difficulty now; why don't you read Glasser's new book?
☐ I insist that you consider the following practices.

The second, fourth, and fifth statements above do not provide adequate direction. In the second, the suggestion does not *direct* the teacher to attend the workshop. The fourth statement is compromised by the lead-in qualification, and the use of "why" presents a question instead of a directive to read the book. In contrast, the first and third statements give clear directions.

A. *Contents of the Disciplinary Memo*

Disciplinary memos must contain specific items of information. They should be neat, errorless (including spelling, punctuation, and grammar), and typed on your school's letterhead. The memo also should be clearly written and free of confusing educational jargon. The following must be included in the memo:

- Heading
  - To whom it is directed
  - From whom
  - The date
  - The subject
- What rule, regulation, or practice was violated?
- Connection to teaching
  - What happened?
  - When did it happen?
  - Where did it happen?
  - Impact of conduct on students, adults in the school, community, and so on
- Prior resource assistance given to the teacher to correct the deficiency/deficiencies
- Specific statements of deficiency
- Recommendations of action the teacher should take (e.g., when, how, requirements, and so on)
- Specific offer of resource assistance from you and the district
- How improvement will be assessed
- Supervisor's follow-up supervision schedule
- The consequences of continuing the violations (e.g., inadequate practice) and/or not complying with the previous directive
- Statement that the teacher has the right to respond and that written responses may be placed in the personnel file

B. *Determining Access to Personnel Files*

Personnel files are confidential. Only the teacher and authorized administrators are granted access to the file. Laws regarding use of files vary from state to state but common elements do occur.

- Notice, either verbal or written, must be given to the teacher prior to placing derogatory information in the file.
- The teacher must be informed of his or her right to respond to such information before it is placed in the file.

- The teacher must have the opportunity to gather information in his or her defense prior to reaching a decision regarding the teacher's employment status.
- Information must be sufficiently current so that the teacher has a reasonable chance to refute it.

Teachers have the right to inspect their personnel files in the presence of an administrator with the following exceptions:

- for information gained during the hiring process and
- when the request is for information review during a time the teacher is to render service, unless the material is derogatory.

Key Terms and Concepts

☐ *Case law.* Decisions made in court cases set precedent or direction for future decisions although they do not appear in the statutes.

☐ *Marginal teacher.* This term describes a teacher whose instructional competence is in doubt.

☐ *Incompetent teacher.* This term is used in this chapter to describe a teacher who is technically incompetent.

☐ *Savior syndrome.* An administrator believes that he or she can "save" an incompetent teacher although many other administrators have failed to do so.

☐ *Pareto's law.* This analogy is based on an 80%-20% split (e.g., problem teachers take 80% of an administrator's time leaving only 20% for good teachers).

☐ *Due process.* These protections are derived from the Fourteenth Amendment and further specified in law, contracts, and policy.

☐ *Dismissal.* This process ends a teacher's employment (either tenured or probationary) during the term of the contract.

☐ *Nonrenewal.* The school does not renew a probationary teacher's contract for the following year.

☐ *Just cause.* This involves demonstrating evidence that the employer has cause (sound legal reason) to terminate employment.

☐ *Reassignment.* Changing a teacher's assignment within the school district is usually done to "get rid" of a poorly performing teacher; frequently called the "dance of lemons."

- ☐ *Documenting and building files.* In this chapter, this term refers to establishing evidence regarding teacher incompetency that is clear, direct, and specific.
- ☐ *Collective bargaining agreement.* Typically, this is called the teachers' contract: the contract between the board of education and the teachers' union/association.
- ☐ *Notice of intent to terminate.* This official notice from the board of education states that the district will terminate the employment of the teacher if specific improvements are not demonstrated.
- ☐ *Resource assistance.* This term describes the resources (time, workshops, professional literature, and so on) the teachers may use to improve their teaching performance.
- ☐ *Performance improvement plan.* This plan is developed by a teacher and supplemented and approved by the supervisor. The plan specifies improvements needed by the teacher, resources to be provided by the administration, activities to be pursued by the teacher, and evaluation measures.
- ☐ *Four-phase progressive process for dealing with the marginal teacher.* The process deals with disciplinary matters including teaching deficiencies. It is oriented to remediating deficiencies and dismissal when improvement is not made.
- ☐ *Grievance policy.* This policy establishes a means for teachers and other employees to state grievances on conditions and labor practices they believe to unfair and not in compliance with the bargaining agreement.

Reference

Bridge, E. (1986). *Managing the incompetent teacher.* Eugene: University of Oregon, Clearinghouse on Educational Management.

5

Strategies for Assisting the Marginal Teacher

Once the marginal teacher has been identified and informed that his or her teaching performance is at an unacceptable level, a definite process of improvement must be followed. The following five steps will guide you in organizing a personal professional development plan (PPDP) and administering it as called for in Phases 1 to 3 of the four-phase process for dealing with marginal teachers (see Chapter 4).

AUTHOR'S NOTE: Alyson Caouette and Dean Caouette, of the Edmonton Public Schools, in Alberta, Canada, have contributed to this chapter.

Five Steps for Assisting the Marginal Teacher

1. Analyzing the situation with key questions
2. Building trust
3. Assessing perceptions and recognizing reality
4. Standing alone
5. Evaluating

Now is a good time to review the PPDP format presented in Chapter 3, in the section "The Observations."

5.1 Analyzing the Situation With Key Questions

To accurately determine what is missing in the teacher's performance, the administrator should ask him- or herself the following series of questions to bring a greater clarity to the assistance plan.

Question 1. "If this teacher's performance were acceptable, what student behaviors would I see?"

The answers to this question will be a set of specific student actions indicating the expected acceptable level of teacher performance. The important point to remember is that you must have a specific idea of the quantity and quality of student behaviors that would demonstrate acceptable teaching performance. The values assigned to these expectations can be expressed as percentages of students on versus off task and so on, which are the responsibility of the principal to determine. Examples follow:

- A majority (85%-90%) of the students are on task.
- The students begin work quietly and within five minutes.
- Students can complete assignments (85%-90%).
- Students are demonstrating appropriate behavior to the teacher and others.

- Students recognize a signal to begin and focus attention on the teacher.

These indicators can be used throughout the process to provide standards and frameworks for future observations.

Question 2. "Which student behaviors are missing or do not match those generated in answer to the first question?"

The following are examples of information gathered through observation: One fourth of the class was on task; the students took 18 minutes to settle and allow the teacher to begin; 4 students out of 20 completed the assignment; in a five-minute span, 25 inappropriate call-outs (inappropriate talking by students) were recorded; five of the call-outs contained profanity.

A number of observations (different classes and times) may be needed to answer these questions accurately. These observations are now compared with the standards set in Question 1, which will give you an idea of the degree of deficiency in each area.

Question 3. "Which of these identified student behaviors needs to be changed first?"

In making this decision, you must keep in mind the severity of the deficiency, the impact on the students, and that areas of weakness are often interrelated. Good classroom management and discipline are prerequisites to high-quality instruction and should be given top consideration.

Question 4. "Once the starting area of remediation has been identified, what prerequisite teacher skills and actions need to be in place to affect student behavior?"

To answer this question, brainstorm all the specific skills, attitudes, and knowledge related to the starting area of remediation. Next, sequence the components into a plan for assisting the teacher, as shown below.

Example Area of Remediation: *Having Students Respond to a Signal to Begin*

Sequenced List of Skills

- State teaching expectations for student behavior.
- Scan the room.
- Give wait time.
- Use hand gestures.
- Make eye contact.
- Give verbal cue.
- Conduct sponge activities and so on.

The most common deficiency among beginning and marginal teachers is poor classroom management, which means that students spend less time learning. Teachers must have control of the class before they can consider the quality of time spent learning. For example, the goal may be to improve questioning techniques, but, before that can occur, it may be necessary to assist the teacher in teaching expectation routines. The great majority of concerns about performance relate to classroom management or student discipline. For this reason, the strategies for assistance suggested in this chapter are linked to the skills that provide a good foundation for instruction.

Marginal teachers frequently do not agree or will not admit that they have a teaching problem. The administrator and teachers must understand and confront teachers' perceptions of their teaching performance before substantive improvement can occur. Teachers may

- be unaware that there are weaknesses in their teaching and surprised that there are specific concerns;
- be aware of their difficulties but unwilling to accept responsibility for them;
- feel that they are being persecuted, and they may try to rally other staff members to their cause;

- be able to perform at an adequate level but may choose not to because of lack of commitment—they are able but not willing; or
- be experiencing personal troubles (e.g., divorce, family illness or crisis, and personal mental or physical illness) that are affecting their teaching performance and render them willing but temporarily unable to make corrections or improvements in their teaching.

5.2 Building Trust

Being consistent, firm, and patient in this initial part of the assistance program will help to establish a trusting relationship. It cannot be stressed enough that trust and rapport are most crucial to successfully completing a PPDP. The following are some suggestions to help initiate and maintain trust:

- Acknowledge the intensity of the situation.
- Listen.
- Withhold judgment.
- Maintain a consistent agenda.
- Ensure confidentiality.
- Provide resources and support in the form of release time, materials, and training.
- Acknowledge that mistakes will happen in a learning process.
- Observe a number of lessons to get a clear picture before identifying a starting point.
- Set challenging but attainable goals.
- Illustrate cause-and-effect relationships between teacher actions and student behavior to demonstrate your objectivity.
- Ensure the PPDP is focused on the initial criteria outlined in the evaluation.
- Demonstrate concern for the emotional safety of the teacher.

Denial is a very normal phase for a teacher to go through as a part of this process. Marginal teachers are at risk of losing their jobs, self-esteem, dignity, sometimes their families, and some may already have lost their health. Use this information to assist you in understanding that, if marginal teachers seem unwilling to help themselves or to accept the reality of the situation, it may be that they are reacting normally. It is important that you assess whether or not the teacher is experiencing these problems and monitor the situation closely.

5.3 Assessing Perceptions and Recognizing Reality

The teacher may continue to have doubts that unwanted student behaviors are occurring and other teacher actions are needed. At this point, it is paramount for the administrator to work through a process that assists teachers in accepting weaknesses in their performance and/or the behaviors of their students as a reality.

Having invested time in discussing some general philosophy or methods, the first step in changing beliefs is to have the teacher compare the reality of his or her classroom with what he or she has agreed is acceptable. For many teachers, this may be the first objective look at data gathered from their teaching. The data can be used to show the inconsistencies between what the teacher knows is required and what is actually happening. The teacher must move through this denial before he or she will be able to benefit from assistance. A number of strategies are listed in this chapter for the administrator to use in assessing teachers' performance and helping marginal teachers recognize reality.

The following strategy can be used to assist the teacher to determine and state what he or she believes to be acceptable teaching practice. This example focuses on classroom management/discipline but can be adapted to any area of concern.

A. *Stating Beliefs Through Guided Imagery: The Good, the Bad, and the Ugly*

This strategy benefits teachers who

- have difficulties with classroom management/discipline,
- can't see that they intimidate students,
- fail to work at winning students over to their side,
- have only a limited number of responses to address misbehaviors,
- need an opportunity to analyze the differences between good and bad teaching in a nonthreatening situation,
- need to see that teacher performance affects student behavior, and
- would benefit from personal reflection on how they felt as students when taught by a specific teacher.

This strategy should be used in a quiet, private place. First, ask the marginal teacher to recall a teacher he or she did not respect because of the way the teacher dealt with student discipline. Call this person "Teacher A." Ask the marginal teacher to recall the kinds of misbehaviors the students were exhibiting and how "Teacher A" reacted. Next, encourage the marginal teacher to list descriptions of "Teacher A's" ways of handling student misbehaviors.

Second, ask the marginal teacher to think back to a teacher he or she respected because of the way that teacher dealt with student misbehaviors and discipline. Call this person "Teacher B." At this point, the marginal teacher can rarely think of more than a few specific student misbehaviors and teacher actions. When asked for the specific actions for "Teacher B," the marginal teacher remembers very quiet, positive actions such as "got to know us individually, talked to us privately, listened to us, showed interest in us, respected us," and so on.

Many marginal teachers will perceive that students simply did not misbehave in "Teacher B's" class. They often recall that the students respected the teacher. In a crisis situation, teachers recall the actions of "Teacher A" because they are overt and memorable. In reality, it is the subtle, proactive actions of "Teacher B" that have the greatest impact on student behavior. These proactive skills need to be illuminated. The marginal teacher's list of descriptors may look like this:

Teacher A	Teacher B
yelled threw chalk screamed swore embarrassed me publicly told me I was stupid knocked us on the head flicked ears slammed rulers pounded desks slammed doors did nothing to stop misbehavior	got to know me as a person watched intramurals dealt with problems privately gave disappointed looks we rarely misbehaved we knew what wasn't allowed

The third part of this strategy, called "the ugly," provides an opportunity for the marginal teacher to look at the ugly truths of teaching (these truths can be extracted from any philosophy or source related to the topics being examined). In this scenario, the principal may highlight the following truths:

- Students will misbehave.
- There are appropriate ways to respond to student misbehaviors.
- Teachers are expected to deal with student discipline.
- Good teachers have a plan to respond to misbehaviors.
- Teachers who are proactive and have a plan feel less stress.

These "ugly truths" may be exchanged or reworked to accentuate or illustrate the particular objective you may have in mind for the marginal teacher.

The next step is to explain that the teacher who had no discipline problems created that situation by treating students with respect, by having a plan, by being proactive, and by dealing with misbehaviors in an appropriate way. The teacher who had discipline problems, however, did the opposite. He or she did not treat students with respect, had no plan, was reactive, and did not respond appropriately to misbehaviors.

Now compare future unacceptable teaching episodes with the teacher's own perception of good and bad teaching/classroom management. The marginal teacher can no longer use the principal's perceptions as a scapegoat or reason for not accepting responsibility. The marginal teacher must confront the reality that some of his or her own teaching practices match his or her own definition of poor teaching ("Teacher A") and begin to develop the skills exhibited by "Teacher B." With this approach, the principal is no longer accused of having unreal expectations or perceptions of good teaching. The marginal teacher has, by working through this strategy, created her or his own frame of reference.

These skills and strategies should be woven into the teacher's PPDP. This strategy is critical for continued self-evaluation and growth.

B. *Facing Reality With Videotape*

The following is a collection of strategies to assist the marginal teacher in getting a more realistic picture of what is happening in his or her classroom and how that compares with what should be happening.

Analyzing a successful videotaped lesson. This strategy benefits teachers who

- can't visualize alternative methods of teaching,
- need to see what students are capable of doing,
- don't believe that alternative methods can be used successfully, and
- need to compare and contrast appropriate teaching actions with their own.

Considerations and procedures. First, prepare or purchase a videotape of a teacher demonstrating appropriate skills.

Prior to viewing, have the marginal teacher reflect on how the specific skill to be viewed relates to sound teaching practices. Also, have the marginal teacher reflect on how he or she currently handles a situation similar to the one to be observed. Next:

- Narrow the marginal teacher's focus to three or four observable behaviors.
- Draw attention to and explain specific behaviors as they occur.
- While observing, point out cause-and-effect situations. For example,
  "Take a quick count. How many students are still talking?"
  "Watch to see how the teacher gets their attention."
  "What did the teacher say?"
  "What did the teacher do next?"
  "For how long?"
  "How many were still talking?"

Marginal teachers often cannot recognize teacher actions or changes in student behavior on their own. Make use of freeze-frame features on videocassette recorders to highlight desired behavior and make explanations and predictions.

C. *Watching a Colleague Teach*

This strategy benefits the same teachers as the above video strategy. It does, however, offer advantages that the videotape does not. The marginal teacher feels the tone of the classroom, sees subtle teacher actions and student reactions such as eye contact causing a student to stop a misbehavior, and knows that the teaching segment is not set up or contrived but a real part of the teacher's repertoire.

Considerations and procedures. Before going into the colleague's classroom, have the marginal teacher narrow the focus of observation.

Example Area of Remediation: *Dealing Effectively With Misbehaviors to Prevent Escalation*

Generate a list of possible actions that are related to the focus that the colleague teacher may display in the lesson, such as

- scanning the room,
- eye contact with specific students,
- hand gestures,
- moving closer to a student,
- ignoring attention seekers,
- facial expressions,
- using students' names,
- length of time spent dealing with misbehavior, and
- interruption of lesson.

Have the marginal teacher use the above list to tally, keep track, and stay focused on the teacher behaviors to be observed.

Before visiting the colleague's class, have the marginal teacher create a list of frequent misbehaviors in his or her own classroom. This list can be used to compare or contrast with what is observed in the colleague's lesson.

Following the observation, lead the marginal teacher to discuss, analyze, and summarize important observations and conclusions.

Assist the marginal teacher to further analyze his or her own teaching by recording specifically what he or she observed and discussed from the colleague's lesson. The marginal teacher should say how these activities occur in his or her own class. This could be recorded in the form of

- a teacher journal,
- a list of student behaviors,
- an audiotape of reflections,
- an audiotape of a lesson, and
- a list of questions for further clarification.

These activities are methods to keep the teacher conscious of and focused on specific elements of his or her teaching.

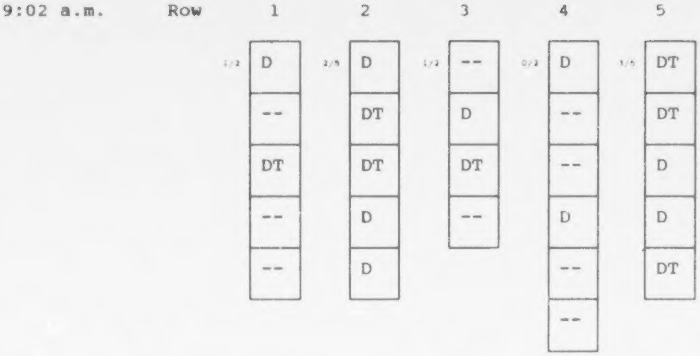

Figure 5.1. Time-on-Task Chart
NOTE: Squares represent occupied desks in each row. Total number of students = 25.

D. *Using Feedback Charts*

These include the following: time on task, off-task interaction, teacher activity, teacher-student verbal interaction, teacher scanning and movements, student misbehaviors, and anecdotal notes.

Time-on-task chart. This strategy benefits teachers who

- fail to see misbehaviors,
- fail to hold students accountable, and
- don't believe students are off task.

On the chart shown in Figure 5.1, the principal records the number of students on task per row above the number of students seated per row. Students not seated and off task are not counted. These data are recorded at specific time intervals. Be prepared with multiple copies.

The information in Figure 5.1 tells the observer that, at 9:02 a.m., with 25 students total:

Row 1: of 5 students, 2 were in desks and 1 was on task;
Row 2: of 5 students, 5 were in desks and 2 were on task;
Row 3: of 4 students, 2 were in desks and 1 was on task;
Row 4: of 6 students, 2 were in desks and 0 were on task; and
Row 5: of 5 students, 5 were in desks and 3 were on task.

Codes:

D = at desk
T = on task

Summary Data:

7 students out of 25 were on task,
16 students were seated, and
9 students were not at their desks.

This chart can be recorded quickly and repeated over the course of the observation. It is also beneficial in showing positive growth later in the program.

Off-task interaction charts. This strategy benefits teachers who

- need to see the frequency and intensity of off-task interaction,
- avoid confrontations,
- have specific student interaction patterns,
- have students off task, and
- have excessive call-outs.

The observer records interaction for a predetermined time.

The example chart in Figure 5.2 shows that student D interacted with student H three times. Student C interacted with student F once and student G once. Student D shouted at student L at least once and used inappropriate language. Students A, B, I, R, S, T, W, and V interacted with no one, and so on.

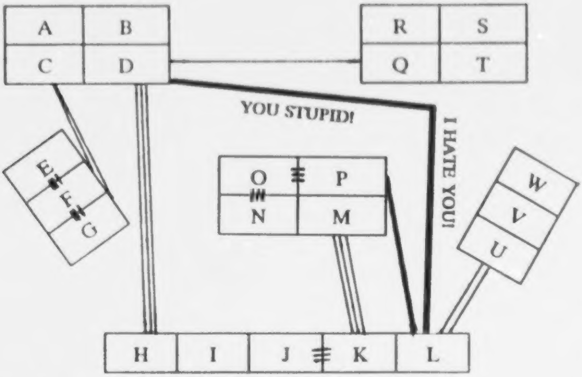

Figure 5.2. Off-Task Interaction Chart
NOTE: Letters represent students; lines represent an off-task interaction; and darkness of line represents voice level.

Teacher activity chart. This strategy benefits teachers who

- are constantly dealing with misbehaviors,
- never allow students time to practice,
- have an imbalance between teacher/student talk,
- provide only student activities with no teacher instruction, and
- provide no explanation or direction.

The observer records at one-minute intervals the type of action in which the teacher is engaged. The labels for teacher actions can be changed to meet the needs of the observation (see Figure 5.3).

Teacher-student verbal interaction chart. This strategy benefits teachers who

- fail to interact with some students,
- interact negatively with students,
- don't promote student response, and
- fail to respond to student efforts.

Minutes	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Dead Time																															
Responding to Misbehavior																															
Routines & Directions																															
Starting Activity																															
Building Rapport																															
Review																															
Introduce Lesson																															
Theory																															
Student Feedback																															
Demonstrating																															
Practive																															
Monitoring																															
Closure																															

Figure 5.3. Time Interval Chart

Create boxes that represent where students are seated and that are labeled for male or female (see Figure 5.4). Record teacher interaction and student response over a specified period of time. Student to student interaction may also be recorded.

Mapping teacher scanning and movements. This strategy benefits teachers who

- fail to follow up on class expectations for discipline,
- get hooked into individual misbehaviors,
- only use proximity to check misbehavior,
- fail to scan the situation, and
- don't monitor and interact.

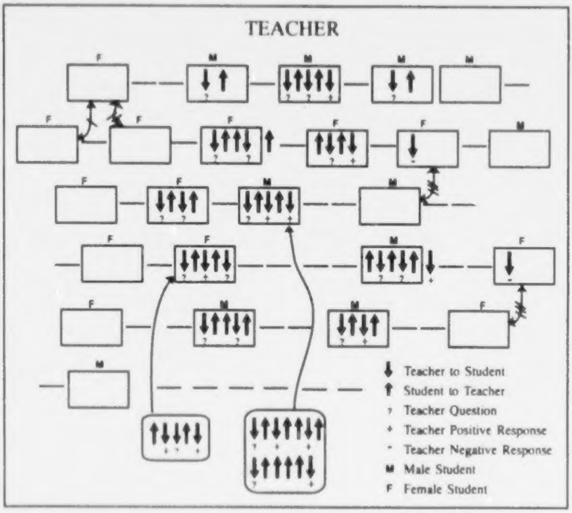
TEACHER
Teacher to Student
Student to Teacher
? Teacher Question
+ Teacher Positive Response
- Teacher Negative Response
M Male Student
F Female Student

Figure 5.4. Teacher-Student Verbal Interaction Chart

Figure 5.5 tells us: At 9:02 a.m., the teacher gave instructions to start and scanned the classroom. At 9:03, the teacher interacted with five different students and stayed at this spot for nine minutes without scanning. At 9:12, the teacher moved to student 7 and asked, "Where is your book?"

Continue until 9:31
End of Recording: 9:31
Beginning of Recording: 9:02
Total Time: 29 minutes

In this time:

The teacher scanned three times.
Groups of students clustered around the teacher at three points in the lesson.
The teacher traveled to five desks.

The principal uses this information to further analyze the performance and shares his or her findings with the teacher.

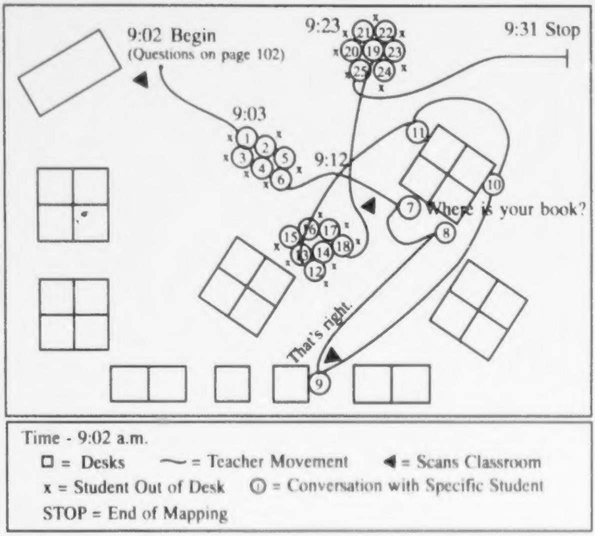
9:02 Begin
(Questions on page 102)
9:03
9:12
9:23
9:31 Stop
Where is your book?
That's right.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Time - 9:02 a.m.
□ = Desks
~ = Teacher Movement
◄ = Scans Classroom
x = Student Out of Desk
① = Conversation with Specific Student
STOP = End of Mapping

Figure 5.5. Mapping Teacher Scanning and Movements

Mapping classroom misbehavior. This strategy benefits teachers who

- fail to see the frequency and severity of misbehavior,
- fail to see misbehaviors,
- need to see where misbehaviors begin, and
- need to know who is misbehaving.

The principal draws a map of desks and then, using abbreviations and key words, tries to record all misbehaviors noticed in class. Circled behaviors indicate that the teacher responded to misbehavior.

Figure 5.6 shows: At 9:02, the teacher gave instructions to start. In five minutes, 22 students misbehaved or were off task in various ways (talking, fighting, drawing, putting on makeup, doing other homework, and so on). The teacher moved to the "Putting on Lipstick" desk, back to the front of the room, and then sat at his or her desk. The teacher responded to five misbehaviors.

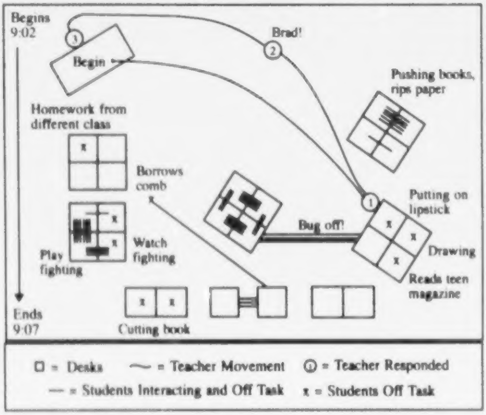
Begins
9:02
③
Begin
Brad!
②
Pushing books, rips paper
Homework from different class
x
Borrows comb
Putting on lipstick
①
Bug off!
Play fighting
Watch fighting
Drawing
Reads teen magazine
Ends
9:07
Cutting book
□ = Desks
⁓ = Teacher Movement
① = Teacher Responded
— = Students Interacting and Off Task
x = Students Off Task

Figure 5.6. Mapping Classroom Misbehaviors

E. Analyzing the Marginal Teacher's Lesson on Videotape

Videos can accurately and completely reveal every flaw of the teaching segment. This is its strength *and* its potential weakness. Sometimes a teacher in despair does not cope well with such a dose of reality. So, weigh the pros and cons of using this approach carefully for each teacher.

This strategy benefits teachers who

- have accepted that there are problems and need to see specific segments to continue improving,
- have a healthy self-esteem and would not be set back by the reality, or
- have not accepted the reality after all other approaches have been exhausted.

Considerations and procedures.

- Have the marginal teacher observe the video with a specific focus in mind.
- Be with the teacher to help point out sequences of importance.

F. *Observing a Mentor Teacher Teach the Marginal Teacher's Class*

This strategy benefits teachers who

- don't believe their students can achieve high levels of behavior and achievement and
- have an inaccurate perspective of specific students.

Considerations and procedures. This arrangement will work best if it is an already existing situation and a regular part of the student week.

- Have the marginal teacher focus and record information on one specific aspect of student behavior at a time.
- By having the teachers predict student action (off task, on task, answering questions, time to settle), they can then compare the classroom observations with their predictions. This comparison will often cause teachers to reflect on their own teaching and lead to improved instruction.

G. *Changing Marginal Teacher's Student Audience to Foster Teacher Success*

This strategy benefits teachers who

- have turned their classes against them,
- have no hope of regaining class cooperation and respect to be able to try new skills,
- have potential to perform at an appropriate level but can't get started because the class is too out of control,
- attempt to use skills appropriately but meet with overwhelming resistance from their classes, and
- need to see results from the use of a skill.

Considerations and procedures.

- Skills and strategies that should work don't because of past teacher/student relationships.
- Skills that should prevent misbehavior from escalating no longer have impact in the current situation.

- Provide a class where the teacher can practice and have a fair opportunity to implement what he or she has learned.

5.4 Standing Alone in the Classroom

The most important aspect of this section on standing alone is that the teacher must know that he or she is held accountable for continued use of the skill. Addressing each teaching skill in question is an effective means of accomplishing this. The components are

(a) setting expectations,
(b) following up, and
(c) providing support.

Example: "We've talked extensively about building rapport with students. What I would like you to do for the next two weeks is to select a student you have difficulty with and positively reinforce that student at least once a day. I'm also asking you to record how you reinforce the student, and the student's response to it, in a journal at the end of each day. At the end of two weeks, you and I will meet and go over the journal to see how things went. I will also drop in occasionally to see if you need help. Remember the list of ways to positively reinforce we generated last week. Don't be afraid to go to that list for ideas."

A. *Other Ways to Keep Teachers Practicing and Accountable*

- Visit classrooms frequently and give feedback.
- Keep a journal on specific desired skills.
- Record practice sessions and reflections.
- Create a video-/audiotape of a lesson.
- Plan or generate 15 activities to build rapport between teacher and students.
- Record activities on a calendar.
- Record student settling time for two weeks.
- Record students on task at various times of the day.

- Identify a mentor and team plan one lesson a week.
- Teacher plans ways to apply a skill; the principal mails the plan to the teacher three weeks later. The teacher reflects on whether and how these skills have been implemented.

5.5 Evaluation

The final part of this process is to conduct a summative evaluation. This evaluation must parallel and document changes in the teacher's performance relative to the original concerns. If the teacher has made sufficient improvement, it will be readily observable in the official evaluation. At this point, the administrator must make a decision regarding the teacher's competency. Three options are available:

1. The teacher has attained the specified standards, so the process should be terminated.
2. Enough improvement has occurred to warrant continuation of the PPDP and the four-phase process.
3. Sufficient improvement has not occurred, and dismissal or nonrenewal is appropriate.

This decision is needed at the end of Phases 1 to 3 discussed in Chapter 4.

Key Terms and Concepts

☐ *Brainstorming.* This strategy encourages a learner to expand his or her alternatives and thinking by producing many ideas without judging or analyzing them.

☐ *Call-outs.* Students call out responses without being called on by the teacher.

☐ *Classroom management.* Teachers employ skills to create a cooperative, respectful, positive, and productive atmosphere in the classroom.

☐ *Instructional strategies.* Teachers employ strategies that incorporate individual teaching skills. Models or complete activities are planned to lead the students to very specific learning. Examples include cooperative learning, concept attainment, concept formation, advanced organizers, and so on.

☐ *Instructional skills.* These individual teaching skills include wait time, responding to a student's efforts, giving students feedback, framing questions, various levels of questioning, winning students over, and building rapport.

☐ *Sponge activities.* These activities have been planned by the teacher for students who arrive early or complete their work early. These activities are related to the curriculum and are usually fun, interesting, and novel.

☐ *Starting area of remediation.* This is the general or broad area of teaching deficiency that the principal decides to address first in the professional development plan.

☐ *Wait time.* Teachers provide time for students to respond to a request or question.

6

Staying Legal and Out of Trouble

6.1 Why Tenure?

There was a time in public education when tenure did not exist and teachers served at the pleasure of school boards. For example, in the 1920s, more than half of the teachers in Wyoming were new to their positions. Board power to dismiss and discipline teachers was unchecked, and teachers were dismissed for various and sundry reasons unrelated to teaching competence or morality issues:

- to make room for friends and relatives of board members,
- to save money by lowering the number of teachers and increasing the work load of others,

- to secure the welfare of the community by refusing to employ teachers who were married or had children,
- to fill vacancies with less experienced teachers, and
- to punish those who were disloyal to the administration (Lebeis, 1939).

Times have changed. By standards of common sense and morality, arbitrary and capricious reasons for dismissal were wrong and led teacher associations to press for tenure legislation. The first tenure law was passed in New York early in the twentieth century and nearly all states now have tenure provisions for teachers.

Tenure is America's way of saying that teachers (and in some states administrators) have what is called a "property interest": the teachers' right to their jobs beyond the current contract. Such jobs cannot be taken away without proving just cause and following required due process procedures as described in the following sections. Probationary teachers' property interests are limited or nonexistent in some states. The difference is that probationary teachers have a right to their jobs for the current contract year but not beyond as in the case of tenured teachers.

Tenure gives strong and well-defined rights to due process but is not a guarantee to a job. Court cases have proven that competency in teaching is required. But, nevertheless, tenure does make dismissal difficult in that all due process requirements must be met and documented.

Hence due process is frequently addressed as "a pain." It seems to hinder administrators in pursuit of one of their important goals: dismissing incompetent teachers. Due process can be burdensome. It takes precious time. But due process is the hallmark of a civilization. It is a compassionate society's attempt to ensure that those being dismissed are protected from arbitrary prejudices, vendettas, and other unethical motives for termination of employment.

Principals with sound reasons for dismissing a teacher and with evidence of compliance with all due process requirements are likely to win. Those who do not follow due process requirements are likely to lose, on the technical or ethical grounds embedded in the due process requirements.

The purpose of this chapter is to provide the necessary background information and legal requirements regarding due process. The following are provided in this chapter:

- answers to frequently asked questions about due process and closely related topics and
- explanations of requirements for due process and practical guidelines for meeting these requirements.

6.2 Due Process

Two categories of due process are crucial to successful teacher dismissal and have been found to affect the outcome of court dismissal cases: *Substantive due process* requires school administrators to provide *valid* reasons and *substantial supporting evidence for termination.* Substantive due process is also called *just cause*. Charges that are not valid and not accompanied by substantial supporting evidence are vague, arbitrary, or capricious reasons for dismissal and do not stand up in court.

Procedural due process requires school administrators to follow constitutional procedures regarding notices, hearings, and unbiased decision makers. Failure to follow any one procedural due process requirement can result in negative outcomes.

The processes involved in these categories are further defined as follows:

Substantive Due Process

- Provide written and oral standards of performance.
- Provide evidence and documentation.
- Specify opportunities available for improvement.
- Provide resource assistance in conjunction with opportunities for improvement.

Procedural Due Process

- Provide notice of deficiencies/procedures/rights.
- Notify teacher of opportunity for a hearing.

- Provide an unbiased decision maker.
- Notify teacher of hearing process rights, including the right to legal counsel, to examine witnesses, to call witnesses to testify, and to examine written records.
- Follow state statutory and local policies and procedures including time lines.

Case summaries and substantive due process guidelines for increasing the likelihood of success in teacher dismissal cases are presented in the following section.

6.3 Guidelines for Ensuring Substantive Due Process

A. *Standards of Performance*

Competency must be defined. Defining competencies is a difficult chore, but research over the past 10 years has offered valuable and definitive descriptions of teacher behaviors that result in learning. There is no universally accepted definition, and courts accept a school's or school district's definition if it is reasonable and formally adopted by the board. Definitive and reasonable standards of performance help ensure that the stated charges and deficiencies will be clear, accurate, and substantive. Standards are the reference points for measuring teachers' performance. Without predetermined standards, conclusions about competencies are arbitrary and unfair to the teacher in question, his or her students, and the profession. Conclusions determined to be arbitrary in court sully the name of education and create terrible public relations for school administrators.

B. *Guideline 1*

Detailed descriptions of skills and indicators of the roles and responsibilities of teaching should be present in job descriptions and evaluation instruments. The list of skills should be based on expert advice and respected research findings. All teachers should receive copies of their job descriptions and evaluation instruments, along with related procedures, policies, and job performance expectations. This is required by law in many states.

Dismissal cases are frequently lost when the charges are vague or arbitrary. Charges of incompetence are best derived from performance standards. Court cases provide clues to five criteria useful in establishing these standards. Here is a checklist of criteria you can use to assess your school's performance standards.

Checklist for Assessing Teacher Performance Standards

Are the performance standards for teachers

	YES	NO
substantial and comprehensive?	____	____
clear, concise, and specific?	____	____
fair, attainable, and ascertainable?	____	____
related to board policy and procedures and job requirements?	____	____
in conformance with state statutes and regulations?	____	____

For your performance standards to stand up in court, you must be able to answer yes to all these questions. These criteria are not difficult to achieve, but they must be attained. They are crucial to success in teacher dismissal cases. Each is discussed in the following pages.

Substantial and comprehensive. First, performance standards must be adopted by the governing board and they must be substantial and comprehensive. Performance standards must not deal with trivialities or represent a severely limited aspect of teaching. Substantive and comprehensive standards address teaching techniques, classroom management, interpersonal relations, and curriculum management and organization. See Chapter 3 for details.

Clear, concise, and specific. Possibly the most common weakness in teacher dismissal cases is the lack of specificity and conciseness of charges, and charges can be only as specific and concise as the performance standards.

Fair, attainable, and ascertainable. Many administrators are concerned that they cannot succeed in dismissing the weak tenured teacher. This is not the case when standards of performance are fair, attainable, and ascertainable. In other words, the performance standards must make common sense and be reasonable.

Conform to statutes. Standards of performance should incorporate district expectations for the job and must also *conform to state statutes.* The standards should be included in job descriptions and teacher evaluation procedures and be communicated to all teachers. Standards may be distributed with employment application forms and during orientation sessions with teachers. Principals or other officials should review the evaluation process and performance expectations with teachers each year.

Board policy and procedures and job descriptions. Finally, board policy and procedures as well as specific job requirements, such as the following, about which the district feels strongly should be included:

(a) following district-adopted curriculum (*Stamper v. Board of Education,* 1986);
(b) completing course work to meet district accreditation program standards (*Feldusen v. Beach Pub. School Dist.,* 1988); and
(c) obtaining acceptable scores on a test (*York v. Bd. of School Com. of Mobile County,* 1984).

C. *Evidence and Documentation*

School system personnel must define not only competence but also the way it is measured. A well-defined procedure for gathering evidence—such as having trained, reliable evaluators who are responsible for gathering and documenting such evidence—is critical. Documentation in the form of memos and other required forms (e.g., observation records, conference minutes) establishes substantial evidence and is a prerequisite to successful dismissal cases.

D. *Guideline 2*

Teacher evaluation guidelines must specify data gathering procedures, including observation data collection sheets, anecdotal forms, written descriptions of conferences, summative data forms, and job target forms, and administrators must gain proficiency in the preparation of written documentary evidence. The following five criteria can be used for assessing your skills in preparing evidence and documentation. Evidence and documentation must be

1. frequent and, in most cases, cumulative, with follow-up observations to determine improvement;
2. specific and supportable;
3. derived from independent data sources whenever possible;
4. credible and noncontradictory; and
5. substantive enough for dismissal to be a reasonable penalty.

Frequent and cumulative, with follow-up observations to determine improvement. Court cases illustrate the need for frequent and cumulative evidence of a behavior pattern. Dismissals based on single incidents of technical failure seldom find support in court.

Specific and supportable. Not only does a pattern of incompetence need to be substantiated but the evidence must be specific and supportable. Courts have supported the following charges:

(a) Poor lesson planning
  The lesson plans provided by the teacher lacked objectives, materials, and motivation strategy
(b) Inability to get students to participate actively in class presentations
  Of the 24 students, 15 were not attending to the teacher
  The same 3 students responded to each question asked by the teacher
(c) Maintaining improper pace in presenting information
  Students continually asked the teacher to slow down and said they were confused
  Four students asked when they could get on to the next lesson because they had learned this stuff last year
(d) Lack of preparation for instruction
  No lessons plans were present on [give dates]
  Lesson plans provided on [give dates] lacked objectives or designation of materials to be used
  Materials needed for the class (paper, books, bulletin board, math manipulative materials, and so on) were not present in the classroom
(e) Inadequate reinforcement of learning
  The teacher went on to the next subject (lesson) without providing follow-up (closure activity or homework)
(f) Improper sequencing of activities during instruction
  Teacher began the lesson by directing students to "do" the exercise on page 10
  After 10 minutes, teacher addressed students' confusion regarding how to do the exercise on page 10
  Then the teacher explained how to do the exercise on page 10
(g) Failure to maintain classroom decorum
  Nine children chattered during teacher's presentation regarding topics unrelated to the lesson
  Four children sat on their desks during the teacher's presentation
  Six students were out of their seats while the teacher give directions

> Of 23 students, 15 were not attending to the teacher's directions and were involved in activities unrelated to the lesson

Independent data sources. Identical or similar data obtained from more than one source strengthen the case. Independently gathered data make it difficult for the teacher to charge that there was a *personality clash* or personal bias.

Credible and noncontradictory. Evidence must be credible and noncontradictory. Believable, noncontradictory evidence from independent data sources is highly credible in court. Although you are responsible for the burden of proof, you need not bear the entire burden of collecting the data. In fact, your case will be greatly strengthened with the use of other evaluators. Call on other evaluators (principals, assistant superintendents) in your and other school districts. Collecting similar evaluation results from other evaluators (independent data sources) is the smart thing to do. Check your pride. Are you willing to call on others to strengthen your charges and test their accuracy? If you lean toward wanting to do it all by yourself, remember that evaluations from others will help you achieve your mission, which in this case is freeing the students in your school from incompetent teachers. If other trained observers disagree with your conclusions, maybe you were not on the right track. My experience has shown that the accuracy of charges is strengthened by other trained evaluators.

Dismissal: A reasonable consequence. A final aspect of substantive due process is that the behavior must warrant the *penalty of dismissal*.

Teacher evaluation procedures must delineate approved means for gathering and reporting data. Anecdotal approaches such as scripting the actual words of the teachers and students and descriptions of teacher and student behavior and classroom climate are recommended. These data help districts win cases.

Districts are encouraged to include copies of observation forms used by administrators in evaluation. It is important to document that notification, as well as descriptions of the required behavior change(s), are provided to the teacher.

Documents describing performance standards are critical in dismissal cases. Performance standards are used as minimum job performance standards as well as growth targets for teachers functioning satisfactorily. To be useful as a dismissal document, standards must be incorporated into a summative rating scale that reflects the full range of performance; for example,

M/E = Meets and/or exceeds district standards
IP = In process
IAD = Inadequate

Districts frequently use *needs improvement* rather than *inadequate*. This rating miscommunicates the message by downplaying the severity of the teacher's poor performance. Hearing commissions and judges do not interpret *needs to improve* as a severe problem. A rating of *inadequate* cannot be misinterpreted.

The middle standard, *in process*, is useful for people beginning to improve their performance but not yet meeting standards (e.g., a beginning teacher). The *meets and/or exceeds* rating is used mainly to discriminate between the satisfactorily functioning teacher and one in remediation. Such a rating, however, does not distinguish between superior and average performers. If further discrimination is needed, two standards can be used, *meets district standards* and *exceeds district standards*.

Although the summative rating scale of performance standards is necessary for all teachers, it is not an adequate guide for improvement of teaching. Additional evaluation processes such as a performance improvement plan must be included in teacher evaluation procedures for this purpose.

As principal and chief executive officer of your school, you must be competent in gathering data and documenting evidence. How do you rank yourself in these areas? OK? Lacking in confidence to do a top-notch job? Highly skilled? Competent? Depending on the situation, you may find that all of these fit you. If that's the case, you're having trouble seeing the big picture or you lack confidence. Here's a question that should give you a very accurate answer:

Do I have sufficient confidence in my instructional, teacher observation, and documentation skills to hold up well in a cross-examination by experts?

If you do not respond with a hearty and confident *yes!*, you're not ready to do the job that must be done.

E. *Opportunity to Improve and Resource Assistance*

A third area that must be considered to meet substantive due process requirements includes remediation and resources. Teachers must be provided with the time (a remediation period) and the resources (i.e., opportunities for remediation) to remove the deficiencies. Guideline 3 addresses these issues.

F. *Guideline 3*

Evaluation procedures should specify a period of time to improve: 45 working days is usually considered appropriate. In addition, adequate resources must be made available to the teacher to assist in eliminating the deficiencies. Comprehensive written evidence that time and adequate resource assistance were provided must be maintained.

Three criteria derived from court cases apply to Guideline 3:

1. provide a reasonable time to improve,
2. make available resource assistance that matches the teacher's deficiencies, and
3. provide adequate resource support.

Provide a reasonable time to improve. It is not only reasonable but necessary that teachers be given *time to improve* when inadequate performance is the issue. A minimum recommended time period is 45 working days; however, more time could be provided if there is documented evidence that the teacher has improved and that additional time is likely to lead to further improvement.

Remember that you and the district must provide the teacher time to improve. When the teacher is not extended that right, and the teacher's legal counsel discovers this infraction, the district's charges are likely to fail.

Provide opportunities to improve and make available resource assistance that matches the teacher's deficiencies. School administrators have the legal obligation to *provide resource assistance*. The recruiting and induction process represents an investment by the district and, for both moral and economic reasons, district personnel should determine whether deficiencies can be remediated before proceeding with the dismissal process.

A variety of resource assistance measures relative to incompetencies needs to be made available. Workshops, readings, observation of proper classroom performance, critiques and guidance from a mentor teacher in the deficient teacher's classroom, and observations and conferences regarding deficiencies with the principal are just a few of the resources that can be made available to teachers.

The offer of resource assistance should be documented in a performance improvement plan. It is important that this plan not list resources the teacher is supposed to use but resources made available to the teacher. The goal is for the teacher's behavior to change, not to use all the resources listed. Sometimes teachers in remediation confuse these two ideas and think that if they use all resources made available they will retain their jobs. Principals should be advocates for the teachers in providing necessary resources. Improvement in teaching performance is the goal, however, and must continually be the focus.

G. *Staying Legal With Substantive Due Process Requirements*

The following is a list of 16 questions you should ask yourself to check your understanding of substantive due process. The questions listed under Guideline 1 should be applied for all teachers in the school district. Questions for Guidelines 2 and 3 apply more directly to those teachers you suspect are marginal or inadequate.

Use these questions to help you keep track of substantive due process requirements. Check them off as you complete them and schedule your calendar to accomplish those not yet completed.

Do I Understand Substantive Due Process? A Self-check

Guideline 1: Standards of Performance

Are the standards of performance	YES	NO
(a) provided in board policy, teacher handbooks, job descriptions, and teacher evaluation instruments?	____	____
(b) based on research findings and/or expert advice?	____	____
(c) adequate, substantial, and comprehensive?	____	____
(d) clear, concise, and specific?	____	____
(e) attainable and ascertainable?	____	____
(f) related to job requirements and board policy and procedures?	____	____
(g) in line with state statutes and regulations?	____	____

Guideline 2: Evidence and Documentation

Is your evidence and documentation	YES	NO
(a) based on frequent (once per week minimum) observations?	____	____
(b) specific and supportable?	____	____
(c) derived from independent sources (more than one observer)?	____	____
(d) credible and noncontradictory?	____	____
(e) substantive enough to warrant dismissal?	____	____

Guideline 3: Opportunity to Improve and Resource Assistance

Did you	YES	NO
(a) provide the teacher with reasonable time to improve?	____	____
(b) make a variety of resources available that match the teacher's deficiencies?	____	____

(c) document the offer of resources in the professional development plan or elsewhere? ____ ____

(d) document your suggestion to use the resources? ____ ____

6.4 Guidelines for Ensuring Procedural Due Process

If you are comfortable with your preparation in substantive due process requirements, it's time to move on to procedural due process.

The courts have specified several procedures that must be followed to ensure that a person's property right (right to a livelihood) has not been denied. Courts have upheld these rights for tenured teachers.

Four guidelines for meeting procedural due process guidelines are described below.

A. *Notice of Deficiencies*

Two notices are required. The first, which was discussed earlier, is that all teachers must be informed of performance standards. This type of notice is required in dismissal cases, and many states require districts to inform all teachers of this. The second notice required under procedural due process is to inform teachers of deficiencies and required changes.

B. *Guideline 4*

Written administrative guidelines for dismissal delineate steps for developing the written notice, how to formulate the statement of deficiencies, time lines regarding the notice, and samples of written notices and how these are linked to the evaluation instrument. It is also suggested that written guidelines for conducting the conference in which notification is given be available for administrators to consult. Unfortunately, many dismissal cases never come to court because proper notice of deficiencies was not given.

Four criteria for assessing your adherence to Guideline 4 follow:

1. provide several warnings,
2. give written notice of specific deficiencies,
3. tie them to the written formal evaluation process, and
4. follow notice time lines.

Multiple warnings. The necessity for multiple warnings has been demonstrated in court. It's really quite simple: When proof can be shown that warnings were given, courts have found in favor of the district. When proof cannot be shown, court rulings are in favor of the teacher.

Written notices of deficiencies. Notice of deficiencies must be in writing. It is suggested that the written notice include both the inappropriate behaviors and the desired behaviors. Include the following in the notice:

- guidelines for just cause (substantive due process),
- the length of time provided for improvement to take place, and
- resource assistance to be provided or made available.

Sometimes principals separate the written resource assistance from the notice as part of a performance improvement plan (see Chapter 4).

Tie them to the written formal evaluation process. Following the remediation period, if the teacher has not improved to a satisfactory level, notice must be given for dismissal or nonrenewal of contract, whichever applies. Both notices should be given following appropriate board action. In most cases, lawyers will advise the use of case numbers in board action rather than the teachers' names. It is further recommended that both dismissal and nonrenewal notices include

- the written summative evaluation form,
- the list of performance standards, and
- the statement of deficiencies.

These should be attached to the notice along with appropriate board policies, procedures, and other written directives.

Follow time lines for notices. Often cases are lost because district policy or state statutes that establish time lines for giving notices are not followed.

Deliver a notice two days late and you lose the case. Why? Because you didn't meet a procedural due process requirement. This is where due process seems to be a pain and excessive protection for teachers. Maybe so, but the requirements are clear and actually easy to meet. It's simply a matter of knowing you have to do it, scheduling it, and then doing it. The bottom line is this: Be on time with notices for tenured or probationary teachers or both the students and you lose.

Deadlines for servings notices sometimes pass before we identify an incompetent teacher. Don't panic. And don't serve the notice. It's too late, for this year. In this situation, administrators frequently just drop the finding or decide to "wait until next year" to notify teachers of deficiencies. This action is not justified from either a child advocacy or a teacher advocacy perspective. The child has a right to be taught by a competent teacher and efforts to make the teacher aware of deficiencies and to make resources available should begin immediately. I have seen districts obtain resignations by the end of the current school year by notifying the teacher of a remediation period starting immediately and continuing into the next school year. Such notifications demonstrate that competency is expected and that the district will not settle for less.

C. *Right to a Hearing*

A second procedural due process right for most employees is the right to a hearing. Hearings are required before termination of tenured teachers because they have a property interest in the job.

D. *Guideline 5*

Provide in district policy and the teacher evaluation procedures the process regarding the right to a hearing and conduct of a hearing. Court cases are clear about hearings. Administrators are responsible for

- providing a hearing to all those who have such right,
- providing a pretermination hearing in which the employee is given reasons for dismissal and the right to refute, and
- providing a timely hearing for a proposed dismissal.

Although all tenured teachers have a *right to a hearing*, nontenured teachers typically do not. Such rights may be extended to them by the board, however. Providing such rights should be avoided because they greatly restrict district authority to provide only competent teachers in classrooms. Regardless, check these documents to determine whether additional rights have been provided.

Also, a Supreme Court ruling provides the right to a *pretermination hearing* to inform tenured teachers of the charges and allow them an opportunity to refute them. The *time line of a hearing* is important. Usually there are written guidelines on the length of time a teacher has to appeal the dismissal. These time lines should be stated in policy and procedures as well as in the notice given to the teacher. Adhering to these time lines is crucial to dismissing an incompetent teacher.

The right to a hearing must be spelled out in detail in writing to the teacher. Such rights are usually given in the notice of dismissal with accompanying policy and teacher evaluation procedures guidelines. It is important to document that the teacher has been told of the teacher's rights to a hearing both in the written notice and in a written summary of the conference in which this right was discussed with the teacher.

E. *Hearing Process Rights*

There are several rights a person has in a hearing. Court cases provide a listing of such rights.

F. *Guideline 6*

Teachers have numerous rights within the hearing itself. Six are delineated below:

- right to unbiased hearing officer or court,
- right to have evidence presented orally and in writing,
- right to examine data,
- right to cross-examine witnesses and to call witnesses,
- right to official written record of hearing, and
- right to appeal.

Right to unbiased hearing officer or court. First and foremost, the teacher has the right to an *unbiased hearing* officer or court. Districts' charges have been overruled by courts when it was shown that the board (hearing officers) held bias against the teacher. This is a sobering thought in that principals and superintendents generally share information regarding marginal teachers with the board so that boards are not caught by surprise when charges are issued. If the board is to serve as a hearing body, however, it is vitally important that the board only be appraised of legal, board policy, and collective bargaining agreements regarding the case. Sharing information regarding charges or situations relative to the charges with the board or individual board members will serve to "bias."

Right to present evidence orally or in writing. Teachers have a right to present evidence regarding their defense either orally or in writing. The teacher must be informed of these rights.

Right to examine data. Defendants have a right to examine data. In fact, employees have a right to examine their files and examine all information included therein excluding information and ratings by identifiable personnel gathered during the hiring process. So the rule is that teachers have the right to examine information regarding them and their case before, during, and after hearings. Failure to allow such examination could easily result in dismissal of the case on the grounds that the district prevented the teacher from exercising due process rights.

There are many criteria to be followed when conducting a hearing. These rights should be written in board-adopted policy and teacher evaluation procedures. All administrators need to be appraised of these rights and a person in the district designated to ensure that the rights are extended to teachers. So you have nothing to hide, let the teacher (or other employee in question) examine the data. If you do, you can win. If you don't, you are likely to lose.

Right to cross-examine witnesses and call witnesses. The teacher has the right to confront and challenge all evidence against him or her, including written documents and testimony of adverse witnesses.

Right to official written record of the hearing. The teacher has the right to receive written record of the hearing, and you or the hearing officer are obligated to supply it.

Right to appeal. Tenured and probationary teachers have a right to appeal as provided by state law.

G. *Statutory / Board Policy and Procedures and Rules and Regulations*

State statutes, board policies, and collective bargaining agreements often go beyond the constitutional requirements of due process. You, your superintendent, or your legal counsel should scour these documents for additional due process (substantive and procedural) provisions. It is important to remember that, as long as due process provisions remain on the books, *you must follow them* if you expect to be successful in weeding incompetent teachers out of your school.

H. *Guideline 7*

Written evaluation guidelines should include all statutory rules and regulations as well as board policy. These must be followed closely.

This guideline requires no additional criteria. A district must establish what the statutes, board policies, and collective bargaining agreement require.

Districts should incorporate all statutory and board policy requirements into their written teacher evaluation procedures and require that they be followed. As a principal, it is your responsibility to make sure that this is done. If a case you generated is lost due to failure to follow a due process requirement, you have no one to blame. It actually may have been the superintendent's fault, but saying so will appear to be scapegoating. Not only do you lose the case and the teacher stays in the classroom and on the payroll, you look foolish for projecting blame. The solution is to keep close contact with central office administrators in charge of such matters and demand that legal counsel be briefed and questioned frequently.

1 Keeping Yourself on Track With Procedural Due Process Guidelines

A monitoring checklist is provided below to help you keep track of procedural due process requirements. All of the items in this checklist apply to teachers identified as marginal or inadequate. At the first sign that a teacher in your school may be a marginal teacher, refer to this list for things to be done. Some of these may seem inconsequential. To the contrary, noncompliance with any one of them can result in you and your school district losing a case. I hope that all items will be marked yes. If not, make your plan for getting them done and on time.

Procedural Due Process Questions: A Self-Test

Guideline 4: Standards of Performance

Have the following timely and multiple notices been planned or accomplished:	YES	NO
(a) intent to terminate and process to be followed?	___	___
(b) deficiencies and required changes?	___	___

(c) notices and deficiencies tied to evaluation process? ___ ___

(d) notices for a and b given on time and more than once—
for a? ___ ___
for b? ___ ___

Guideline 5: Evidence and Documentation

Have the following been planned or completed: YES NO

(a) a pretermination hearing? ___ ___

(b) a hearing per statutes and policy for proposed dismissal? ___ ___

(c) statutory and policy time lines and rules for hearing followed for a and b—
for a? ___ ___
for b? ___ ___

Guideline 6: Opportunity to Improve and Resource Assistance

Have the following teacher rights been assured: YES NO

(a) right to an unbiased hearing officer? ___ ___

(b) right to present evidence orally and in writing? ___ ___

(c) right to examine data? ___ ___

Guideline 7: Notice of Deficiencies

Have the following regarding statutory and policy requirements been planned or completed: YES NO

(a) included in the teacher evaluation procedures? ___ ___

(b) presented to all employees in teacher contracts? ___ ___

J. *Summary*

Dismissing teachers on grounds of technical incompetence is not easy. Managing the marginal or incompetent teacher takes time, taxes emotions, induces stress, and engenders feelings of self-doubt and guilt. It is no wonder that many principals have avoided the process. But it can and should be done. The teacher is the most important factor in the educational process and it is the *administrator's responsibility to put the very best teachers available in contact with students.*

6.5 Alternatives to the Dismissal Process

Alternatives to conducting all four phases of the four-phase progressive process are presented below, but none includes the option of leaving an incompetent teacher in the classroom. They all accomplish the required end of removing the incompetent teacher from contact with students.

Reassignment. Large districts may have positions for which the incompetent teacher is qualified and can perform adequately. This is the "dance of the lemons." The education profession and students have suffered from its use with incompetent teachers and administrators. If the teacher's skills and abilities match those required by the position, the reassignment is valid. If it is a way of avoiding biting the bullet, it is not valid. Reassigning incompetent teachers and administrators to new positions where their performance also is inadequate has given this alternative a black eye. Use only where appropriate.

Buy-out. Terminating a tenure teacher or dismissing a temporary teacher costs money and taxes the energy of personnel. The buy-out plan can serve both the teacher and the district. Teachers gain severance funds and/or other benefits and avoid the embarrassment of going through the process and having a record of the process in their personnel files.

Recent tenure dismissal cases have cost districts up to as much as $300,000. In contrast, Scott (1991) has demonstrated that the average cost of buy-out in California over the past three years is only $40,000. The makeup of the buy-out agreements follows:

Benefit	***Percentage Used***
Health benefit	65
Cash	57
Other benefits	15
Consultant agreement	12
Additional years of service credit	7

Buy-out can take many forms. The teacher may simply resign for a price or may take early retirement in the form of a tarnished golden handshake. Teachers seldom want to choose the termination process, have their names in the paper, and the charges in their files. This is particularly true in the case of nonrenewal of nontenured teachers where there is little or no hope that they could win the case. To avoid the charges and to keep the files clean, resignation or a settlement in exchange for a resignation are good alternatives.

First, settlement in exchange for a resignation does not require the extensive efforts involved in the dismissal procedure and therefore requires much less time. Second, this option is useful in cases where the district's argument is valid but, for whatever reason, may be in jeopardy at the hearing level or where the district would prefer to avoid the publicity generated by the process. Third, teacher associations are publicly critical of the administration but privately supportive of the arrangements in 88% of the cases (Scott, 1991).

The buy-out alternative may appear to be the "wimp's" way out, but it is not. It is, in most cases, the smart way out. Granted, giving benefit to an incompetent who refuses to improve or cannot improve is unseemly. But, saving the district large amounts of money, saving yourself and many others large amounts of time, avoiding time- and money-consuming confrontation with the teacher association, and still terminating employment of the teacher are respectable advantages. It can be the smart alterative.

It is reasonable to expect that any administrator reading this chapter has just posited the weary queries: *Is it worth it? Does it work? Can we really dismiss tenured teachers?* Today, the answer is yes. Managing the marginal or incompetent teacher takes time, taxes emotions, induces psychological stress, and engenders feelings of self-doubt and guilt. It is no wonder that many principals have avoided confronting these teachers. But, yes, it can be done and it is worth it, for many good reasons. Weeding out the incompetents will have an immediate impact on the quality of the school, such as in improved test scores, and will result in greater respect from the public.

Key Terms and Concepts

- ☐ *Induced exit agreement.* In this type of agreement between a teacher or other employee and the school district, the district agrees to provide compensation (money, insurance, consulting agreement, and so on) in return for the teacher's resignation from employment in the district.
- ☐ *Buy-out.* This refers to the actual terms and conditions of the induced exit agreement.
- ☐ *Due process.* Literally meaning "fairness," due process represents the protection given to teachers to prevent arbitrary and capricious discipline and dismissal. Due process rights are defined in statutes, board policies, labor contracts, and case law. The constitutional basis for due process is spelled out in the Fourteenth Amendment.
- ☐ *Substantive due process.* Sometimes called "just cause," this refers to the substance or validity of dismissal charges: providing standards of performance, evidence and documentation, and opportunities to improve and resource assistance.
- ☐ *Procedural due process.* These procedures are required in the dismissal process: notice of deficiency, opportunities for hearing, right to unbiased decision maker, hearing process rights, and adherence to time lines.
- ☐ *Tenure.* Employment status is extended to teachers who successfully complete a probationary period to protect them from arbitrary and capricious discipline and dismissal. This is called the property interest and is manifested in due process requirements.

☐ *Just cause.* This is cause for dismissal for performance that either directly or indirectly significantly and adversely affects what must be the ultimate goal of every school system: high-quality education for students.

☐ *Property interest.* This is simply teachers' right to a job. Tenured teachers have a right to a job beyond the terms of the employment contract. Probationary teachers' right to a job is limited to the terms of the current contract.

☐ *Liberty interest.* This is an interest in one's good name. In the context of this chapter, the liberty interest protection concerns losing the ability to work.

☐ *Nonrenewal.* This is one legal strategy for terminating a teacher's employment in which the probationary teacher simply does not receive a contract for the following year. Nonrenewal applies only to probationary teachers whose property interests are limited to the current contract. Tenured teachers' property interests exceed the current contract and thereby protect them from nonrenewal.

☐ *Dismissal.* This term refers to any termination of a tenured teacher's employment. All due process requirements must be followed and documented. Terminating employment of a probationary teacher's contract during the term of the contract is also considered dismissal because the teacher has a property interest in the job for the term of the contract.

☐ *Notice.* This term refers to the numerous formal items of information that must be given teachers (e.g., concerning rules of evaluation and hearing rights).

☐ *Pretermination hearing.* In this hearing, the teacher is informed of charges and allowed to refute them.

☐ *Right to call witnesses.* Teachers have the right to call upon anyone they wish to testify on their behalf.

☐ *Right to cross-examination.* Teachers have the right to impeach the credibility of any witnesses used against them.

☐ *Right to impartial hearing officer.* The principal, superintendent, or board of education cannot be both the accuser and the judge at the same time.

☐ *Right of counsel.* The teacher has the right to be represented by either an attorney or a union representative in cases involving discipline.

☐ *Employment at will.* In this situation, the employee is hired and dismissed at the will of the employer (board). The employee has no due process rights.

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7

Maximizing the Potential of Support Personnel

7.1 Who Are the Support Staff?

There is a dearth of information on how to maximize the power of support staff in schools. We find little in the literature on motivational training or evaluation techniques. This is not surprising in light of the fact that we have lived with and put up with this condition for many years. But it is surprising when we consider the importance of support staff in education. Who are these support staff? The list is long and made up of two categories: certificated (staff with certificates but not classroom teachers) and classified (staff whose positions do not require a certificate).

Certificated:

counselors
psychologists
social workers
nurses
librarians
media specialists
athletic directors
and so on

Classified:

custodians
maintenance workers
cafeteria workers
secretaries
and so on

7.2 Generic Staff Evaluation

Although evaluation systems for teachers have been greatly improved during the past 15 years, most schools still have no evaluation instruments designed for support personnel.

A. *Lack of Specialized Evaluation Instruments for Support Personnel*

Too frequently, support personnel either are not evaluated or, when they are evaluated, the generic teacher evaluation instrument is used.

The importance and value of these personnel are a given—they're of critical importance. So the goal of the school administrator for these staff members is the same as for teachers: maximize their power and effectiveness.

There is nothing mysterious about this challenge. The basic rules for motivation described in Chapter 2 and the evaluation strategies detailed in Chapter 3 can be applied to all personnel, but using teacher evaluation instruments with support personnel is unconscionable because it

- degrades the value of their job,
- represents the belief that the support personnel positions are of little importance, and
- fails to give the personnel accurate information about their work, in terms of both strengths and weaknesses.

As a result, support personnel frequently feel low self-esteem, do not strive for improvement, and do not participate as members of the team. In the end, the school's clients, the students, lose the educational benefit of these valuable people. Evaluation instruments (criteria, procedures, and so on) should be developed for every category of employee, certificated or classified. Valuable sources of assistance are readily available.

Manatt (professor of educational administration; personal communication, 1991) from Iowa State University has developed evaluation instruments for counselors, psychologists, and other professional support personnel. A comprehensive plan for evaluating support personnel has recently been provided by Stronge and Helm (1991). Both offer job descriptions for support personnel and performance criteria derived from research.

B. *Lack of Respect for the Evaluation Function and Personal Relationships*

The second primary evaluation problem springs from lack of respect of the process as well as close proximity. Administrators who do not appreciate or do not feel comfortable with the evaluation/supervision roles find excuses for avoiding it. An excuse often used stems from the proximity of administrators and these personnel in the school. Counselors, custodians, librarians, and nurses often work in the office area. Because of this, the supervisor often develops a closer relationship with these personnel. The administrator senses that evaluations for these people can be treated lightheartedly, skipped, or indefinitely postponed. Lame excuses are offered:

- "Oh, I'm just too busy and I see you all the time anyway";
- "Ya know, this instrument doesn't fit you anyway, we'll just sit down and talk about it later"; or
- "This book work takes precious time, what do you say we just skip it?"

7.3 Respecting and Demystifying Evaluation and Training of Support Personnel

Evaluating personnel and fostering improved performance is the school administrator's primary responsibility. This is true for each and every employee in the school system. There is nothing mystical about the evaluation function. The evaluation techniques stated for teachers in Chapter 3 apply to certificated and classified support personnel. These are summarized below:

Steps:

- Preconference
- Observation or work review (for custodians, maintenance workers)
- Postconference
- Professional development plan

Philosophy:

- Approach evaluation in a positive manner—one of building for improvement.
- Communicate that support personnel are very important in the educational life of the young people in the school and you are demonstrating your commitment to this belief by devoting time to them.
- Be highly knowledgeable about each person's job.
- Devote time for it and don't let anything but a true emergency interrupt.
- Be sure the employee knows the functions of and expectations for the position.

The induction, motivation, and training functions are no less important. The basic strategies for training provided in Chapter 2 can be used with all staff members, not just teachers. As you read Chapter 2 with support personnel in mind, simply substitute the appropriate personnel title for *teacher* and carry on.

In summary, every employee is valuable to the school/district, and that value can be maximized only through high-quality induction, training, and motivation programs. The many techniques for accomplishing these are appropriate for personnel at all levels. Give them a try.

Key Term and Concept

☐ Support personnel. School personnel, either certificated or classified, who provide support for classroom teachers.

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Stronge, J., & Helm, V. (1991). *Evaluating professional support personnel in education.* Newbury Park, CA: Sage.

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NOTES

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